

federal register

THURSDAY, APRIL 22, 1976



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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

- S. 2308..... Pub. Law 94-268
An act to provide for the modification of the boundaries of the Bristol Cliffs Wilderness Area
(Apr. 16, 1976; 90 Stat. 370)
- S. 3108..... Pub. Law 94-269
An act to amend Public Law 94-187 to increase the authorization for appropria-

tions to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Non-nuclear Energy Research and Development Act of 1974, and for other purposes

(Apr. 16, 1976; 90 Stat. 371)

- S.J. Res. 101..... Pub. Law 94-270
Joint resolution to authorize the President to issue a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week"

(Apr. 19, 1976; 90 Stat. 372)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

| Monday | Tuesday | Wednesday | Thursday | Friday |
|-----------------|------------|-----------|-----------------|------------|
| NRC | USDA/ASCS | | NRC | USDA/ASCS |
| DOT/COAST GUARD | USDA/APHIS | | DOT/COAST GUARD | USDA/APHIS |
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| DOT/FAA | USDA/REA | | DOT/FAA | USDA/REA |
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

PROCLAMATION 4434

National Safe Boating Week, 1976

By the President of the United States of America

A Proclamation

Each year, more Americans discover the pleasures of boating. The nation's rivers, lakes and coastal waterways provide an ideal setting for family recreation and well-earned moments of leisure. As the popularity of boating grows, so does the need to emphasize safety in boating activities. We must recognize a mutual responsibility for our safety and the safety of others so that enjoyment of our country's natural and man-made resources does not have to be marred by tragedy.

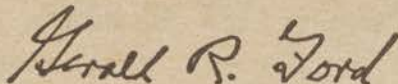
In light of the growth in recreational boating, and our need for safe waterways, the Congress, by joint resolution approved June 4, 1958 (72 Stat. 179, 36 U.S.C. 161), requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning July 4, 1976, as National Safe Boating Week.

I urge all who take part in boating activities on American waterways to acquire a basic knowledge of boating safety. This information is readily available through numerous safe boating courses offered by organizations such as the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross and the various State agencies. I urge all organizations offering boating safety instruction to increase their efforts to encourage safe boating.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc.76-11769 Filed 4-20-76;1:28 pm]

Presidential documents

John F. Kennedy

1961-1963

National Park Service 1950

John F. Kennedy

1961-1963

The National Park Service is a federal agency that manages the national parks, which include some of the most beautiful and historic landscapes in the United States. The Service is committed to preserving these natural resources for the enjoyment of future generations.

The Service is also responsible for the management of the National Historic Landmarks, which are areas of national significance that are worthy of preservation.

The Service is currently working on a number of projects to improve the management of the national parks and landmarks, including the development of new trails and the restoration of historic buildings.

The Service is also working to increase public access to the national parks and landmarks, and to provide a wide range of recreational opportunities for visitors. This includes the development of new trails, the restoration of historic buildings, and the creation of new interpretive programs.

The Service is also working to protect the natural resources of the national parks and landmarks from the effects of climate change and other threats. This includes the development of new conservation plans and the implementation of a variety of measures to protect the environment.

The Service is committed to the preservation of the national parks and landmarks, and to the enjoyment of these resources by all Americans. We are proud to be part of this important work, and we look forward to continuing our efforts to protect and manage these special places for the future.

John F. Kennedy

1961-1963

PROCLAMATION 4435

Earth Week, 1976

By the President of the United States of America

A Proclamation

In this Bicentennial Year, we should give special recognition to the legacy of nature as well as to that of history. America's mountains, prairies, woodlands, and waterways are natural wonders of breathtaking beauty, and they provide resources for trade and transportation, human welfare and recreation. These resources are not ours to abuse. We hold them in trust for posterity.

In recent years, we have learned that our past progress was often made without sufficient regard for the long-term consequences to our natural environment. To meet this environmental challenge, we have enacted more than a dozen significant national environmental laws. Their results are encouraging; we are beginning to bring our most chronic sources of water pollution under control, and we are improving the quality of the air and the richness of our land.

Much remains to be done, but steady long-range progress can only be sustained by continuous effort. Active interest by all Americans is the only force that can translate environmental policy into environmental progress.

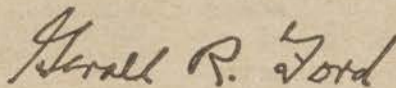
Our environment is the responsibility not only of government and business, but it must also be a matter of daily concern to every American.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning Thursday, April 22, 1976, to Wednesday, April 28, 1976, as Earth Week.

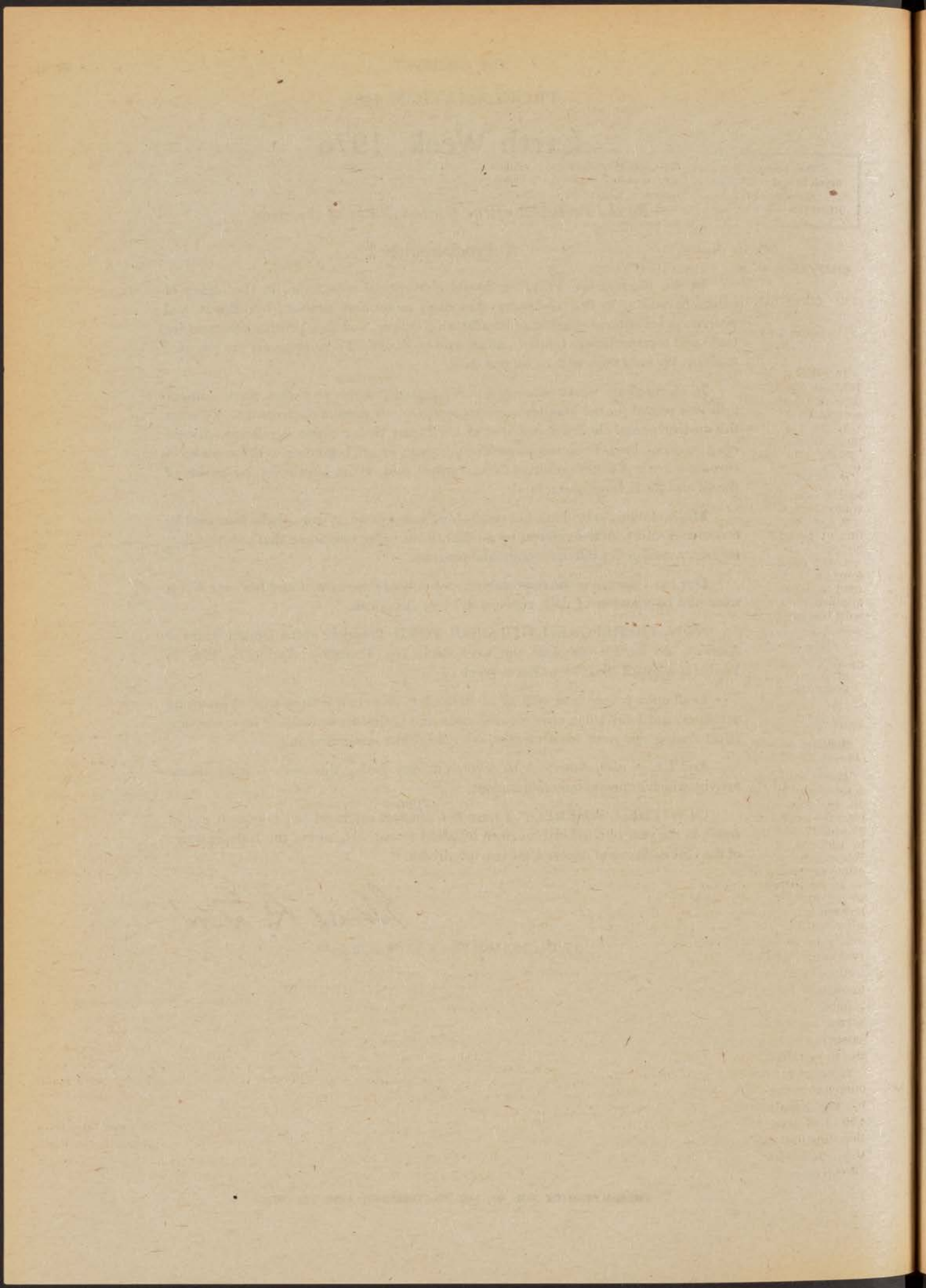
I call upon government officials at all levels to observe this week with appropriate activities, and I call upon civic organizations and businesses to make at least one new effort during this week for a cleaner, safer, healthier environment.

And I urge each American to devote one day during this week to a significant activity which improves our environment.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc. 76-11858 Filed 4-20-76; 4:38 pm]



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

CONSTRUCTION PERMIT OR OPERATING LICENSE

Initial Treatment of Application

Correction

In FR Doc. 76-10910 appearing at page 15832 in the FEDERAL REGISTER of Thursday, April 15, 1976 make the following corrections:

1. On page 15833 in the second column, third line from the top the word "safety" should be capitalized in § 2.101 (a) (3).
2. On page 15833, in the third column, fourth line from the top the word "by" should be "of" in § 2.101 (a) (5).
3. On page 15834, second column, first line of § 50.30 (b) the word "of" should be "or".
4. On page 15834, second column, the fourteenth line of § 50.30 (c) (i) should read as follows: "shall be retained by the applicant for distribution in accordance with the written instruction."

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76 GL-9; Amdt. 39-2583]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 14-19, 17-30, and 17-31 Series Airplanes

There have been instances of wood deterioration in the inboard wing area on Bellanca Aircraft Corporation airplanes—Bellanca Model Series 14-19, 17-30 and 17-31 airplanes, that could result in reduced structural capability. Since this condition may exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to provide wing inspection for wood deterioration, installation of additional wing drain holes, and wing repair if necessary on Bellanca Model Series 14-19, 17-30 and 17-31 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Bellanca. Applies to Bellanca Models:

14-19-2, 14-19-3, 14-19-3A, 17-30, 17-30A, 17-31, 17-31A, 17-31TC and 17-31 ATC certificated in all categories.

Compliance required as indicated. To detect deterioration in wood wing, accomplish Part I and Part II of Bellanca Aircraft Corporation Service Letter No. 87A dated April 12, 1976, as follows:

(a) For airplanes which have been produced prior to the preceding eleven months comply with Part I within the next 10 hours time in service, or within the next 30 days, whichever occurs first after the effective date of this Airworthiness Directive, unless already accomplished.

(b) Comply with Part II not later than 13 months after the effective date of this AD.

(c) After the initial inspection specified in (a), comply with Part I at each annual inspection required by Federal Aviation Regulations Part 91.

If wood deterioration is detected, repair must be accomplished in accordance with FAA Approved Standard Practice AC 43-13-1A or FAA approved equivalent and/or manufacturer's recommendations prior to further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

The manufacturer's Service Letter No. 87A identified and described in this directive is incorporated herein pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received the documents from the manufacturer may obtain copies upon request from Bellanca Aircraft Corporation, Box 624, Municipal Airport, Alexandria, Minnesota 56008.

These documents may also be examined at the office of Regional Counsel, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Great Lakes Region Engineering and Manufacturing Branch, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This amendment becomes effective April 22, 1976.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on April 13, 1976.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc. 76-11546 Filed 4-21-76; 8:45 am]

[Airspace Docket No. 76-SO-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 26, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 F.R. 8391), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Reidsville, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the following transition area is added:

REIDSVILLE, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Shiloh Airport (latitude 36°26'10" N., longitude 79°50'30" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on April 6, 1976.

F. BROWN, JR.,
Acting Director, Southern Region.

[FR Doc. 76-11278 Filed 4-21-76; 8:45 am]

[Airspace Docket No. 76-SO-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 26, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 F.R. 8391), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Goldsboro, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the Goldsboro, N.C., transition area is amended as follows:

"* * * long. 77°58'00" W." is deleted and "* * * long. 77°58'00" W.); within three miles each side of the 044° bearing from the Wayne RBN (lat. 35°27'15" N., long. 77°58'26" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on April 6, 1976.

F. BROWN, JR.,
Acting Director, Southern Region.

[FR Doc.76-11279 Filed 4-21-76;8:45 am]

[Airspace Docket No. 76-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 23, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 F.R. 7962), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

In § 71.171 (41 F.R. 355), the Fort Stewart, Ga., control zone is amended to read:

FORT STEWART, GA.

Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within 3 miles each side of the Wright TVOR 059° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the TVOR.

In § 71.181 (41 F.R. 440), the Fort Stewart, Ga., transition area is amended to read:

FORT STEWART, GA.

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on April 7, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-11280 Filed 4-21-76;8:45 am]

[Airspace Docket No. 76-SO-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Columbus, Miss., control zone.

The Columbus control zone is described in § 71.171 (41 F.R. 355) and contains an extension predicated on the ILS localizer northwest course and the LOM. The United States Air Force has decommissioned the LOM, and it is necessary to alter the description by deleting reference to the LOM. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 F.R. 355), the Columbus, Miss., control zone is amended as follows:

"* * * 1.5 miles southeast of the LOM; * * * is deleted and "* * * 5 miles northwest of the runway end; * * * is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on April 9, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-11583 Filed 4-21-76;8:45 am]

[Airspace Docket No. 76-SW-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the El Campo, Tex., transition area.

On March 4, 1976 a notice of proposed rule making was published in the FEDERAL REGISTER (41 F.R. 9367) stating the Federal Aviation Administration proposed to alter the El Campo, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (41 F.R. 440), the El Campo, Tex., transition area is amended as follows:

El Campo, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00" N., longitude 96°19'30" W.); within a 5-mile radius of the El Campo Metro Airport (latitude 29°11'00" N., longitude 96°18'45" W.) and within 3 miles each side of the 184° bearing from the proposed NDB (latitude 29°10'35" N., longitude 96°19'11" W.) extending from the NDB to 8.5 miles south.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on April 13, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-11584 Filed 4-21-76;8:45 am]

[Docket No. 12918; Amdt. No. 91-132]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Radio Equipment for Overwater Operations

The purpose of this amendment to Subpart D of Part 91 of the Federal Aviation Regulations is to permit persons subject to that subpart to operate an airplane in overwater operations with one HF transmitter and one HF receiver instead of dual HF communications equipment, when the airplane has two VHF transmitters and two VHF receivers for communications.

Interested persons have been afforded an opportunity to participate in the making of this amendment by Notices of Proposed Rule Making No. 73-20 and No. 73-20A. Notice 73-20 was issued June 19, 1973 (38 FR 17019; June 28, 1973). In it the FAA recognized that the present requirements of § 91.191(a) with respect to redundancy of HF radio equipment may impose an undue burden on the operators of aircraft that must have such equipment installed to achieve compliance. The FAA stated its belief that at that time VHF facilities were so extensive on all ocean routes, and the gaps in VHF coverage so small, as to make the likelihood of an HF equipment failure occurring during the absence of VHF coverage very remote.

Accordingly, it was proposed to amend § 91.191 to add an exception in a new paragraph that would provide that when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

The FAA received 11 public comments in response to Notice 73-20. Ten of the commentators expressed approval of the proposal. The opposing commentator, the Air Line Pilot Association, noted that all

of the comments it received from pilots engaged in extended overwater operations were unanimous in their opinion that the VHF facilities are not as extensive as the FAA believed when the notice was issued.

In response to this comment, the FAA reviewed all relevant facts available with respect to the extent of VHF facility coverage for overwater routes and the review indicated that significant changes had occurred in VHF coverage over those routes because of changes in the Ocean Station Vessel (OSV) program sponsored by the International Civil Aviation Organization.

Notwithstanding the reduction in VHF coverage, the FAA believes that there is sufficient justification for the proposed change in the radio equipment requirements for overwater operations. However, in view of the fact that most of the comments to Notice 73-20 were made without an awareness of this reduced coverage, the FAA issued a supplemental notice of proposed rule making, Notice 73-20A (40 F.R. 29089; July 10, 1975), to allow for the review of those comments and the submission of comments by other interested persons in the light of this information and the additional information contained in Notice 73-20A.

The FAA received 32 public comments in response to Notice 73-20A. All but one comment favored the adoption of the proposed amendment. The United States Coast Guard opposed the relaxing of the present dual HF communications requirement because HF equipment "provides the only reliable continuous means of communication" for transoceanic flights. It noted the elimination of many of the Ocean Stations, and the reduction in communications requirements for those remaining. Finally, the Coast Guard pointed out that "the Navy HF/DF net is one of the primary means of obtaining position information on distressed aircraft."

The FAA does not agree that the present requirement for dual HF equipment should be retained. This amendment does not eliminate the requirement for HF equipment altogether. However, for the reasons stated in Notice 73-20 as supplemented by Notice 73-20A (including the improved reliability of modern HF equipment), the FAA believes that the requirement for dual HF equipment for persons operating aircraft under Subpart D of Part 91 is unnecessary and imposes an unreasonable burden on those operators.

It should be noted that the Air Line Pilots Association in its comment on Notice 73-20A stated that the proposed relief should be given to operators of aircraft under Part 91. It based its change of position on the results of the exemption which the FAA issued to the National Business Aircraft Association, Inc., on October 20, 1972, granting its members relief substantially the same as that provided by the proposed rule change. An FAA inquiry into the operations conducted under that exemption, estimated by NBAA to involve over 1,000 aircraft,

revealed no indication of HF equipment malfunctions or any adverse effect on safety. In addition, many persons commenting favorably on Notice 73-20A noted incident-free operations under the exemption.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423. Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

§ 91.191 [Amended]

In consideration of the foregoing, and for the reasons stated in Notice No. 73-20 as supplemented by Notice No. 73-20A, § 91.191 of the Federal Aviation Regulations is amended, effective May 24, 1976, by deleting the phrase "paragraph (c)" and substituting therefor the phrase "paragraphs (c) and (d)" in the lead-in portion of paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 91.191 Radio equipment for overwater operations.

(d) Notwithstanding the provisions of paragraph (a) of this section, when both VHF and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

Issued in Washington, D.C., on April 13, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc. 76-11547 Filed 4-21-76; 8:45 am]

[Docket No. 15591; Amdt. No. 1017]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the

Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective June 3, 1976.

Waterloo, IA—Waterloo Municipal Arpt., VOR Rwy 12, Amdt. 4.
Waterloo, IA—Waterloo Municipal Arpt., VOR Rwy 18, Amdt. 3.
Waterloo, IA—Waterloo Municipal Arpt., VOR Rwy 24, Amdt. 11.
Waterloo, IA—Waterloo Municipal Arpt., VOR Rwy 36, Amdt. 12.
Waterloo, IA—Waterloo Municipal Arpt., VORTAC Rwy 30, Amdt. 9.
Monroe, LA—Monroe Municipal Arpt., VOR Rwy 22, Original.
Cloquet, MN—Cloquet Carlton County Arpt., VOR/DME-A, Amdt. 3.
Great Falls, MT—Great Falls Int'l Arpt., VOR Rwy 3, Amdt. 13.
Great Falls, MT—Great Falls Int'l Arpt., VOR/DME Rwy. 21, Amdt. 5.
Tonopah, NV—Tonopah Arpt., VOR-A, Amdt. 1.
West Lafayette, OH—Tri-City Arpt., VOR-A, Original.
Klamath Falls, OR—Kingsley Field, VOR-B, Original.
Klamath Falls, OR—Kingsley Field, VOR Rwy 32, Amdt. 3, cancelled.
Klamath Falls, OR—Kingsley Field, VORTAC Rwy 14, Amdt. 4.
Klamath Falls, OR—Kingsley Field, VORTAC Rwy 32, Amdt. 2.
Lebanon, TN—Lebanon Muni. Arpt., VOR/DME-A, Amdt. 2.
Junction, TX—Kimble County Arpt. VOR-A, Amdt. 8.
Monroe, WI—Monroe Muni. Arpt., VOR/DME Rwy 29, Amdt. 2.

* * * effective April 9, 1976.

Troy, AL—Troy Muni. Arpt., VOR-A, Amdt. 1.

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective June 3, 1976.

Little Rock, AR—Adams Field, LOC(BC) Rwy 22, Amdt. 8.
Waterloo, IA—Waterloo Muni. Arpt., LOC/DME(BC) Rwy 30, Amdt. 2.
New Orleans, LA—New Orleans Int'l Arpt. (Molsant), LOC(BC) Rwy 19, Amdt. 2.
Klamath Falls, OR—Kingsley Field, LOC/DME Rwy. 32, Amdt. 2.

* * * effective May 6, 1976.

Denver, CO—Stapleton Int'l Arpt., LOC(BC) Rwy 17R, Amdt. 11.

Tacoma, WA—Tacoma Industrial Arpt., LOC Rwy 17, Amdt. 2, cancelled.

* * * effective April 9, 1976.

Rockland, ME—Knox County Regional Arpt., LOC Rwy 3, Amdt. 2.

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective June 3, 1976.

Little Rock, AR—Adams Field, NDB Rwy 4, Amdt. 13.

Columbus, IN—Columbus Bakalar Muni. Arpt., NDB Rwy 22, Amdt. 4.

Waterloo, IA—Waterloo Muni. Arpt., NDB Rwy 12, Amdt. 3.

Cloquet, MN—Cloquet Carlton County Arpt., NDB Rwy 17, Amdt. 1.

Cloquet, MN—Cloquet Carlton County Arpt., NDB Rwy 35, Amdt. 1.

Klamath Falls, OR—Kingsley Field, NDB-A, Amdt. 3.

Moses Lake, WA—Grant County Arpt., NDB Rwy 32R, Amdt. 9.

Juneau, WI—Dodge County Arpt., NDB Rwy 2, Amdt. 5.

Juneau, WI—Dodge County Arpt., NDB Rwy 20, Amdt. 3.

Watertown, WI—Watertown Muni. Arpt., NDB Rwy 23, Amdt. 1.

* * * effective May 20, 1976.

Troy, AL—Troy Muni. Arpt., NDB Rwy 7, Amdt. 1.

* * * effective May 6, 1976.

Bloomington, IN—Monroe County Arpt., NDB Rwy 35, Original.

Tacoma, WA—Tacoma Industrial Arpt., NDB Rwy 17, Amdt. 3.

* * * effective April 8, 1976.

Naples, FL—Naples Muni. Arpt., NDB Rwy 04, Amdt. 1.

Naples, FL—Naples Muni. Arpt., NDB Rwy 22, Amdt. 1.

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP, effective June 3, 1976.

Little Rock, AR—Adams Field, ILS Rwy 4, Amdt. 17.

Columbus, IN—Columbus Bakalar Muni. Arpt., ILS Rwy 22, Amdt. 1.

Waterloo, IA—Waterloo Muni. Arpt., ILS Rwy 12, Amdt. 2.

New Orleans, LA—New Orleans Int'l Arpt. (Molokai Field), ILS Rwy 1, Amdt. 3.

Klamath Falls, OR—Kingsley Field, ILS Rwy 32, Amdt. 15.

Moses Lake, WA—Grant County Arpt., ILS Rwy 32R, Amdt. 11.

* * * effective May 20, 1976.

Troy, AL—Troy Muni. Arpt., ILS Rwy 7, Amdt. 1.

* * * effective May 6, 1976.

Denver, CO—Stapleton Int'l Arpt., ILS Rwy 35L, Amdt. 18.

Denver, CO—Stapleton Int'l Arpt., ILS Rwy 35R, Original.

Bloomington, IN—Monroe County Arpt., ILS Rwy 35, Original.

Bloomington, IN—Monroe County Arpt., ILS/DME Rwy 35, Orig., cancelled.

Dallas, TX—Addison Arpt., ILS Rwy 15, Original.

Tacoma, WA—Tacoma Industrial Arpt., ILS Rwy 17, Original.

* * * effective April 8, 1976.

Miami, FL—Miami Int'l Arpt., ILS Rwy 9R, Amdt. 1.

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective June 3, 1976.

Fort Smith, AR—Fort Smith Muni. Arpt., RADAR-1, Amdt. 2.

Little Rock, AR—Adams Field, RADAR-1, Amdt. 9.

Corpus Christi, TX—Corpus Christi Int'l Arpt., RADAR-1, Amdt. 4.

* * * effective April 9, 1976.

Troy, AL—Troy Muni. Arpt., RADAR-1, Amdt. 1.

* * * effective April 8, 1976.

Miami, FL—Miami Int'l Arpt., RADAR-1, Amdt. 16.

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective June 3, 1976.

Little Rock, AR—Adams Field, RNAV Rwy 22, Amdt. 4.

Little Rock, AR—Adams Field, RNAV Rwy 35, Amdt. 4.

Columbus, IN—Columbus Bakalar Muni. Arpt., RNAV Rwy 22, Amdt. 2.

Waterloo, IA—Waterloo Muni. Arpt., RNAV Rwy 6, Amdt. 1.

Spartanburg, SC—Spartanburg Downtown Memorial Arpt., RNAV Rwy 4, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1854, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on April 23, 1976.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,

Chief, Aircraft Programs Division.

[FR Doc.76-11585 Filed 4-21-76; 8:45 am]

[Docket No. 15595; Amdt. No. 137-5]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Clarification of Aircraft Inspection Requirements

The purpose of this amendment to part 137 of the Federal Aviation Regulations is to clarify the applicability of the aircraft inspection requirements of § 137.53(c) to the large and turbine-powered multi-engine civil airplanes of U.S. registry that are subject to the inspection requirements contained in § 91.217.

Amendment 91-101 was adopted by the FAA on July 17, 1972 (37 FR 14758). That amendment prescribed inspection requirements in § 91.217 for large and turbine-powered multi-engine civil airplanes of U.S. registry. The requirements apply to those airplanes when they are used in certain operations, including agricultural aircraft operations governed by Part 137. However, the current provisions of § 137.53(c) do not reflect

the inspection requirements in § 91.217, and this could lead to misunderstanding and an unnecessary duplication of inspections under § 137.53(c).

Accordingly, this amendment is being adopted to clarify the inspection requirements of § 137.53(c) applicable to aircraft which have been inspected in accordance with the inspection program requirements of § 91.217.

Since this amendment is clarifying in nature and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a) and 1421; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).)

In consideration of the foregoing, Part 137 of the Federal Aviation Regulations is amended, effective May 24, 1976, by amending § 137.53(c) (1) to read as follows:

§ 137.53 Operation over congested areas; pilots and aircraft.

(c) *Aircraft.* (1) Each aircraft must—
(i) If it is an aircraft not specified in subparagraph (ii) of this paragraph, have had within the preceding 100 hours of time in service a 100-hour or annual inspection by a person authorized by Part 65 or 145 of this chapter, or have been inspected under a progressive inspection system; and

(ii) If it is a large or turbine-powered multiengine civil airplane of U.S. registry, have been inspected in accordance with the applicable inspection program requirements of § 91.217 of this chapter.

Issued in Washington, D.C., on April 14, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.76-11548 Filed 4-21-76; 8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1109—PROCEDURAL REGULATIONS FOR ORAL PRESENTATIONS CONCERNING PROPOSED CONSUMER PRODUCT SAFETY RULES

Denial of General Motors Suggestion

In the FEDERAL REGISTER of October 14, 1975, the Consumer Product Safety Commission issued regulations (16 CFR Part 1109) governing the procedure for the oral presentation of data, views or arguments concerning consumer product safety rules proposed under section 7(c), (e)(1), or (f) or section 8 of the Consumer Product Safety Act. The regulations issued are rules of agency procedure or practice and, therefore, exempt from the notice and public procedure provisions of section 553 of title 5 of the United States Code. Nevertheless, the Commission solicited public comment on

the regulations. The purpose of this notice is to respond to the comment received on the regulations.

The Commission received one comment on the regulations, from the non-automotive section of General Motors Corporation. The comment was in regard to section 1109.4(c) of the regulations which allows the presiding officer at the proceedings and Commission employees to question persons making an oral presentation. GM recommended that the right to question the person making an oral presentation not be limited to just the presiding officer and Commission representatives, but rather apply to anyone attending the presentations.

It is the Commission's view that the opportunity for oral presentations is an extension of the opportunity for written comment. The presentations are intended to be informal, nonadversary and legislative in nature. As such, the Commission does not believe it is appropriate to formally provide all persons with the right to question a person making an oral presentation. However, it is within the authority of the presiding officer at the presentations to make provision where appropriate for questions from the audience addressed to a person making an oral presentation.

Accordingly, the Commission has determined not to change the procedures at this time as requested by the commentor. It will, however, monitor the operation of the procedures and if in the future, modifications are considered appropriate or desirable, including a specific right to allow interested persons to question a person making a presentation, the Commission will amend the regulations accordingly.

Dated: April 19, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc. 76-11701 Filed 4-21-76; 8:45 am]

PART 1602—STATEMENTS OF POLICY OR INTERPRETATION POLICY ON EXPORTATION OF NONCOMPLYING GOODS; AMENDMENT

Flammable Fabrics Act Regulations

In this document, the Consumer Product Safety Commission amends the Policy on Exportation of Noncomplying Goods Under the Flammable Fabrics Act (16 CFR Part 1602.2). The Policy was published as a notice in the FEDERAL REGISTER of October 1, 1975 (40 FR 45219) and was revised and codified in the FEDERAL REGISTER of December 5, 1975 (40 FR 56885).

The Policy interprets section 15 of the Flammable Fabrics Act (15 U.S.C. 1191, 1202) and describes the circumstances under which goods that do not comply with the Act may be exported from the United States. This amendment adds a new section (i) to the Policy, to further

clarify when domestically manufactured noncomplying items may be exported from the United States. In addition, the Commission amends section (h) of the Policy to clarify that importers may return nonconforming imported goods to the foreign manufacturer for reworking only if the Commission allows such action.

Since this document involves a statement of policy, notice and public comment are not required by the Administrative Procedure Act (5 U.S.C. 553(b)). Therefore, section 1602.2 of Chapter II of title 16 Code of Federal Regulations is amended as follows to amend section (h) and to add a paragraph (i):

§ 1602.2 [Amended]

(h) In any enforcement action taken by this Commission, the person who markets or handles nonconforming goods shall not be allowed to export domestically made goods unless the intent to export them was previously manifested at the time of manufacture nor shall a person be allowed to export foreign made noncomplying goods which were imported into the United States, unless the intent to export them was previously manifested at the time of the original importation. The Commission may in certain instances allow persons subject to the act the opportunity to re-work the violative goods in order to bring them into conformity with the applicable standard of flammability and the Flammable Fabrics Act. In some instances the Commission may permit an importer to return nonconforming imported goods to the foreign manufacturer to be reworked to bring them into conformity with the applicable standard and the act. Otherwise, nonconforming goods shall be destroyed.

(i) In any enforcement action taken by this Commission, the person who domestically manufactures nonconforming goods shall not be allowed to export any production unit or lot of such goods once any portion of the production unit or lot has been shipped from the manufacturer's premises without bearing a stamp or label stating that such fabric, related material, or product is intended for export to other than an installation of the United States. However, the Commission does not interpret this policy in such a way as to prevent a manufacturer from exporting noncomplying goods that the manufacturer discovers to be noncomplying before any of the items in the production unit or lot leave the manufacturer's premises.

(Secs. 3, 5, 67 Stat. 111-112, 115, as amended 81 Stat. 568-569, 574; 15 U.S.C. 1192, 1202.)

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

Dated: April 19, 1976.

[FR Doc. 76-11700 Filed 4-21-76; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76F-0074]

PART 121—FOOD ADDITIVES

Food Additives, Synthetic Fatty Alcohols

The Food and Drug Administration is amending: (1) § 121.1238 *Synthetic fatty alcohols* (21 CFR 121.1238 in Subpart D) to provide for a modification of the process described therein for the manufacture of synthetic hexyl, octyl, and decyl alcohols intended for use in food and in the synthesis of food components, and to make editorial changes to clarify the description of the current process; and (2) § 121.2616 *Synthetic fatty alcohols* (21 CFR 121.2616 in Subpart F) in the same manner as in item (1) above, by its cross-reference to § 121.1238, in the manufacture of synthetic fatty alcohols intended for food-contact use; to allow for a total diol content limitation of 0.8 weight percent on synthetic fatty alcohols intended for certain food-contact applications; and to provide for, in addition to the cross-referenced alcohols, synthetic lauryl, myristyl, cetyl, and stearyl alcohols manufactured by the modified process for such applications. This amendment is effective April 22, 1976; objections by May 24, 1976.

Notice was given by publication in the FEDERAL REGISTER of March 16, 1972 (37 FR 5516) that a food additive petition (FAP 2L2771) had been filed by the Ethyl Corp., 1700 Peridido St., New Orleans, LA 70012, proposing: (1) That § 121.1238, which specifies the conditions under which synthetic fatty alcohols may be safely used in food and in the synthesis of food components, be amended by deleting the provision that requires using the specified hydrocarbon solvent in the manufacture of these alcohols; and (2) that § 121.2616, which specifies the conditions under which synthetic fatty alcohols may be safely used as components of articles intended for use in contact with food and in synthesizing food additives and other substances permitted for use as components of articles intended for use in contact with food, be amended by deleting the provision that requires using the specified hydrocarbon solvent in the manufacture of these alcohols and by deleting the diol content limitation on these alcohols.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that: (1) §§ 121.1238 and 121.2616, should be amended to provide for the use of synthetic hexyl, octyl, and decyl alcohols manufactured by a modification of the process described therein in which an external coolant is used in lieu of the hydrocarbon solvent, and wherein a hydrogenation step is incorporated in the process; (2) the total diol content lim-

itation is not to be deleted, but the level is increased for synthetic fatty alcohols intended for use in certain food-contact applications; and (3) synthetic lauryl, myristyl, cetyl, and stearyl alcohols manufactured by the modified process, in addition to the cross-referenced alcohols, may be used for such limited food-contact applications, as set forth below.

For clarification, the Commissioner further concludes that editorial changes should be made in § 121.1238 to describe more clearly the current manufacturing process, by including the hydrolysis step that is necessary in obtaining the synthetic fatty alcohols, and by identifying "distillation" more accurately as fractional distillation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786 (21 U.S.C. 348(c) (1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1238 in Subpart D is amended by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 121.1238 Synthetic fatty alcohols.

(a) The food additive consists of any one of the following fatty alcohols:

(1) Hexyl, octyl, decyl, lauryl, myristyl, cetyl, and stearyl; manufactured by fractional distillation of alcohols obtained by a sequence of oxidation and hydrolysis of organo-aluminums generated by the controlled reaction of low molecular weight trialkylaluminum with purified ethylene (minimum 99 percent by volume C₂H₄), and utilizing the hydrocarbon solvent as defined in paragraph (b) of this section, such that:

(i) Hexyl, octyl, decyl, lauryl, and myristyl alcohols contain not less than 99 percent of total alcohols and not less than 96 percent of straight chain alcohols. Any nonalcoholic impurities are primarily paraffins.

(ii) Cetyl and stearyl alcohols contain not less than 98 percent of total alcohols and not less than 94 percent of straight chain alcohols. Any nonalcoholic impurities are primarily paraffins.

(iii) The synthetic fatty alcohols contain no more than 0.1 weight percent of total diols as determined by a method available upon request from the Commissioner of Food and Drugs.

(2) Hexyl, octyl, and decyl; manufactured by fractional distillation of alcohols obtained by a sequence of oxidation, hydrolysis, and catalytic hydrogenation (catalyst consists of copper, chromium, and nickel) of organo-aluminums generated by the controlled reaction of low molecular weight trialkylaluminum with purified ethylene (minimum 99 percent by volume C₂H₄), and utilizing an external coolant such that these alcohols meet the specifications prescribed in paragraph (a) (1) (i) and (a) (1) (iii) of this section.

(b) The hydrocarbon solvent used in the process described in paragraph (a) (1) of this section is a mixture of liquid

hydrocarbons essentially paraffinic in nature, derived from petroleum and refined to meet the specifications described in paragraph (b) (1) of this section when subjected to the procedures described in paragraph (b) (2) and (3) of this section.

2. Section 121.2616 in Subpart F is revised to read as follows:

§ 121.2616 Synthetic fatty alcohols.

Synthetic fatty alcohols may be safely used as components of articles intended for use in contact with food, and in synthesizing food additives and other substances permitted for use as components of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) The food additive consists of fatty alcohols meeting the specifications and definition prescribed in § 121.1238, except as provided in paragraph (c) of this section.

(b) It is used or intended for use as follows:

(1) As substitutes for the corresponding naturally derived fatty alcohols permitted for use as components of articles intended for use in contact with food by existing regulations in this Subpart F: *Provided*, That the use is in compliance with any prescribed limitations.

(2) As substitutes for the corresponding naturally derived fatty alcohols used as intermediates in the synthesis of food additives and other substances permitted for use as components of food-contact articles.

(c) Synthetic fatty alcohols identified in paragraph (c) (1) of this section may contain not more than 0.8 weight percent of total diols as determined by a method available upon request from the Commissioner of Food and Drugs, when used as prescribed in paragraph (c) (2) of this section.

(1) *Synthetic fatty alcohols:* (i) Hexyl, octyl, decyl, lauryl, myristyl, cetyl, and stearyl alcohols meeting the specifications and definition prescribed in § 121.1238, except that they may contain not more than 0.8 weight percent total diols.

(ii) Lauryl, myristyl, cetyl, and stearyl alcohols manufactured by the process described in § 121.1238(a) (2) such that lauryl and myristyl alcohols meet the specifications in § 121.1238(a) (1) (i), and cetyl and stearyl alcohols meet the specifications in § 121.1238(a) (1) (iii).

(2) *Conditions of use:* (i) Synthetic fatty alcohols as substitutes for the corresponding naturally derived fatty alcohols permitted for use in compliance with § 121.2531.

(ii) Synthetic lauryl alcohol as a substitute for the naturally derived lauryl alcohol permitted as an intermediate in the synthesis of sodium lauryl sulfate used in compliance with § 121.2541.

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 24, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall

show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective April 22, 1976.

(Sec. 409(c) (1), 72 Stat. 1786 (21 U.S.C. 348(c) (1)))

Dated: April 16, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-11605 Filed 4-21-76; 8:45 am]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

[CGD 76 070]

**PART 117—DRAWBRIDGE OPERATION
REGULATIONS**

Harvey Canal, La.

This amendment changes the regulations for the Missouri Pacific-Texas Pacific railroad bridge across the Harvey Canal, mile 0.2, to require that the draw open on signal. The requirement for more stringent regulations that went into effect November 15, 1974, published in the FEDERAL REGISTER dated November 14, 1974 (39 F.R. 40156), no longer exists. As this action is beneficial to navigation, it may become effective in less than 30 days. Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.536.

§ 117.536 [Revoked]

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Effective date. This revision shall become effective on May 2, 1976.

Dated: April 14, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting
Chief, Office of Marine
Environment and Systems.

[FR Doc. 76-11681 Filed 4-21-76; 8:45 am]

[CGD 8-75-1-T]

PART 127—SECURITY ZONES

Termination

The security zone at Corpus Christi, Texas established August 4, 1975 by the Captain of the Port of Corpus Christi,

Texas as published on August 13, 1975 (40 FR 33972) was terminated on March, 10, 1976.

In consideration of the foregoing Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking § 127.801.

§ 127.801 [Revoked]

(50 U.S.C. 191; 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46 (b))

Effective date: This amendment was effective on March 10, 1976.

Dated: March 10, 1976.

JOHN E. DE CARTERET,
Commander, U.S. Coast Guard,
Captain of the Port, Corpus
Christi, Texas.

[FR Doc.76-11676 Filed 4-21-76;8:45 am]

[CGD 75-194]

PART 148—GENERAL

Site Evaluation Requirements

Purpose. This amendment to the general procedural regulations in Part 148 concerning content, submission, and review of deepwater port license applications adds rules governing activities involved in site evaluation and preconstruction testing at potential offshore oil port locations and related onshore terminal facilities. The amendment requires individuals who wish to perform any future deepwater port site evaluation and testing work to give the Coast Guard advance notice of the location, nature, probable impacts, and duration of such activities. Further, this amendment establishes site evaluation reporting requirements and provides a regulatory mechanism whereby the Commandant may prohibit, condition, and order the suspension or termination of activities that are inconsistent with the purposes of the Deepwater Port Act of 1974 (the Act) (88 Stat. 2126 (33 U.S.C. 1501)).

The requirement to give the Coast Guard notice before commencing any site evaluation work was first proposed in a document which appeared in the May 7, 1975 FEDERAL REGISTER (40 FR 19956). That proposal advocated a concept of imposing minimum requirements on persons desiring to perform deepwater port site evaluation work, as an interim measure, to be replaced in the future by more comprehensive requirements, as experience was gained in the nature of U.S. deepwater port site evaluation activities and attendant impacts. This concept was not favorably received as evidenced by public comments received on the proposal. Commentators concluded that to only require advance notice of the location and nature of site evaluations and preconstruction testing without prescribing procedures detailing specific control measures offered no assurance that such activities would be formed in a manner consistent with the Act. The Coast Guard agreed and developed a more com-

prehensive second proposal to govern site evaluation activities that included a prior approval requirement in accordance with a specific application and approval process, and provisions governing suspension, revocation or cancellation of site evaluation authorizations granted.

The second, expanded proposal appeared in the FEDERAL REGISTER issue of 10 November 1975 (40 FR 52581). Due consideration has been given to all comments received in response to this notice, and the original notice, insofar as they relate to the scope of this rulemaking action. Except as discussed below, this amendment and the reasons therefor are the same as proposed for public consideration.

One commentator recommended that the requirements proposed in §§ 148.503 and 148.505 for obtaining Coast Guard approval prior to conducting site evaluation work should be eliminated. This recommendation was predicated upon the fact that while during development of the deepwater port legislation, earlier versions of the Act contained a requirement for obtaining prior approval of certain types of site evaluation activities from the Secretary of Transportation, the provision was expressly dropped from the final legislation. Therefore, establishing implementing regulations to govern site evaluations that involved the prior approval process contemplated in the second proposal would be inconsistent with the Act. After further study of the legislative history of the Act, the Coast Guard agrees that the proposed application for and issuance of specific authorization requirements are inappropriate.

In eliminating the proposed prior application and authorization requirements for deepwater port site evaluation work, the Coast Guard must compromise with the originally proposed concept of requiring persons to give advance notice of the location and nature of site evaluations, in order to assure a means by which it can keep abreast of site evaluation activities. Therefore, this amendment substitutes the "prior notice" provisions originally proposed, for the "prior approval" requirements in the second proposal. The advance notification thus enables the Coast Guard to be cognizant of and prepared to monitor and assure that the work will not—(1) adversely affect the environment; (2) interfere with authorized uses of the Outer Continental Shelf; or (3) pose a threat to human health and welfare.

There were no objections received on the originally proposed prior notice requirement; only that the concept was inadequate in scope and content with respect to measures for assuring control over site evaluation work that could adversely affect the environment. The second proposal added these measures. Substituting the "prior notice" provision in the final amendment required changes in section headings and content, primarily editorial in nature, to the proposed §§ 148.503 through 148.509, to replace the references to "application and authorization."

Several commentators objected to the 60 day review period requirement in proposed section 148.503(a) that the Coast Guard considered as a minimum time required to process an application for a site-evaluation authorization. They argued that the length of this period created undue delay and expense because of scheduling and seasonal constraints on offshore work. Since this section no longer requires application for approval of site evaluation work but only advance notification, the 60 day requirement is no longer necessary. Paragraph (a) of § 148.503 now requires 10 days notice before commencing any site evaluation activities contemplated. However, interested persons are cautioned that as the shorter notification time may tend to firm up scheduling and commitments for site evaluation activities, the risks and costs to the sponsor become much greater should the Commandant have to invoke the controls in § 148.509, if he finds the work to be inconsistent with the Act. To minimize these risks, persons desiring to perform site evaluation work are encouraged to voluntarily give the Coast Guard the opportunity to review contemplated work early in the planning stages, before alternatives are discarded and firm commitments made.

One commentator expressed the view that in order to obtain the environmental, archeological and other data required by § 148.503(b) (6) (7) it may be necessary to conduct a certain amount of site evaluation work. This comment implied some field work might be necessary before applying for a site evaluation authorization (now before notifying the Coast Guard). It was not intended that persons desiring to perform site evaluations conduct preliminary field work of a site evaluation or preconstruction testing nature. The intent was to require the information only insofar as it is available without field studies. The information could be compiled through research of existing environmental data on the areas proposed for site evaluation work, review of local records, by consulting the *National Register of Historic Places* and State and local officials concerned with historical preservation and other environmental matters, etc. To clarify this intent, several minor changes have been made to the rules proposed in § 148.503(b) (6) (7).

In order to ensure that site evaluation work is in compliance with the National Historic Preservation Act of 1966 and various implementing orders and regulations, one commentator recommended that the proposed § 148.503(b) (7) be expanded to require persons desiring to perform site evaluations to provide additional detailed documentation concerning impact of proposed work on historic preservation factors. This recommendation was not adopted because the final responsibility for compliance with the National Historic Preservation Act of 1966 and its implementing directives rests with the Federal agency involved and not individuals or companies who wish to do the work. Upon notification and in reviewing planned site evaluation

work, both onshore and offshore, if the Coast Guard determines from the information provided by §§ 148.503(b)(7) and 148.507(b)(4) that the possibility exists that the work will affect the nation's historical resources, documentation of the facts will be prepared through § 148.503(d) and (e), and established agency internal procedures for complying with the National Historic Preservation Act of 1966 and its implementing guidelines. As required, the appropriate remedies in § 148.509 would be instituted to protect historical resources.

One recommendation was received to change the proposed § 148.505(c)(1) by adding the words "including cultural or historical resources," to ensure that these factors are not overlooked in Coast Guard consideration of site evaluation activities. This recommendation was also not adopted, for essentially the same reasons as discussed in the immediately preceding paragraph.

Several respondents commented generally concerning the scope of applicability of the site evaluation regulations proposed in Subpart E of Part 148, as opposed to the scope intended by the Act. Specifically, concern was expressed that the proposed § 148.505(e) listed only activities having little potential for damaging the environment, or adversely affecting human health and welfare, and did not identify and regulate, as required by the Act, only those activities with potential for adverse impact. In the context of the proposal, the views expressed are correct.

The listed activities are those expected to be the most frequently employed types of site evaluation work. Further, the types listed are not generally considered environmentally harmful. It was not intended that the listed activities be regulated in the true sense, but rather if employed, there would usually be no reason for imposing strict controls over them. It remains the Coast Guard's intention in the future, if the need arises, to specifically identify and regulate in this subpart, those activities that may have adverse impacts.

However, until further experience is gained in U.S. deepwater port site evaluation matters, to permit the responsible prescription of site evaluation regulations of general applicability, the Coast Guard will closely scrutinize all work differing from the types listed, and regulate specifically on a case by case basis, as required, each contemplated activity, through prudent use of the controls in § 148.509.

Since the requirement in proposed § 148.505(d) for notifying the Coast Guard before commencing site evaluation is now contained in § 148.503(a), it has been deleted from § 148.505. The types of activities listed in proposed § 148.505(e) are now contained in § 148.503(c).

In response to one comment that pointed out that the 30 day requirement in proposed § 148.507(c) was an unreasonably short time to prepare and submit final detailed reports on site evaluation activities performed, the section has

been rewritten to require only a preliminary report within 30 days with the final detailed report to be submitted within 120 days.

Several commentators questioned the meaning of the term "studies" appearing in the proposed § 148.507(c)(5) and suggested the requirement be rewritten for clarity. The Coast Guard agrees that the term "studies" was a poor choice of language in drafting this requirement. It was intended that the written report include any data on the historical or archeological significance of the area "studied", i.e., the area where the site evaluation activity was conducted. This requirement has been rewritten for clarity.

Two commentators expressed concern that the proposed site evaluation regulations are silent concerning prospective applicability or effect on any site evaluation work already conducted. This amendment is not retroactive. The Coast Guard will not invalidate any U.S. deepwater port site evaluation and preconstruction testing work performed before the effective date of this amendment. This amendment is only applicable to work conducted on and after the effective date.

In consideration of the foregoing, Part 148 of Title 33, Code of Federal Regulations, is amended by adding a new Subpart E, as follows:

| Subpart E—Site Evaluation | |
|---------------------------|--|
| Sec. | |
| 148.501 | Purpose. |
| 148.503 | Notice of proposed site evaluation activities. |
| 148.505 | General conditions of performance. |
| 148.507 | Reports. |
| 148.509 | Suspension and prohibition of activities. |

AUTHORITY: Sec. 5(b), 88 Stat. 2131 (33 U.S.C. 1504(b)); 49 CFR 1.46.

Subpart E—Site Evaluation

§ 148.501 Purpose.

(a) This subpart prescribes requirements for site evaluation and preconstruction testing at potential deepwater port locations.

(b) For the purpose of this subpart, "site evaluation and preconstruction testing" means all field studies performed at potential deepwater port locations, including—

- (1) preliminary studies to determine site feasibility;
- (2) detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and appurtenances; and
- (3) studies involved with the preparation of the environmental analysis required under § 148.109(t).

§ 148.503 Notice of proposed site evaluation activities.

(a) Any person desiring to conduct site evaluation and preconstruction testing at potential deepwater port sites must submit a written notice to the Commandant (G-W), U.S. Coast Guard, Washington, DC 20590, at least 10 days before the commencement of any activities.

(b) The written notice of proposed site evaluations and preconstruction testing at potential deepwater port locations must include the following:

(1) The identification of persons or agencies participating in the proposed activities.

(2) The type of activities and the manner in which they will be conducted.

(3) Chartlets showing the location where the proposed activities are to be conducted and locations of all offshore structures, including pipelines and cables, in or near the area of proposed activity.

(4) The specific purpose of the activities.

(5) The dates on which the activities will be commenced and completed.

(6) Available environmental data on the environmental consequences of the activities.

(7) A preliminary report, based on existing data, of the historic and archeological significance of the area where the proposed activities are to take place, including a report of each contact made with any appropriate State liaison officer for historic preservation.

(c) For the activities listed below, because they are not usually harmful to the environment, the notice need contain only the information required in subparagraphs (b) (1), (2), and (5) of this section, as well as a general indication of the proposed location and purpose of the activities:

(1) Gravity and magnetometric measurements.

(2) Bottom and sub-bottom acoustic profiling without the use of explosives.

(3) Sediment sampling of a limited nature using either core or grab samplers if geological profiles indicate no discontinuities that may have archeological significance.

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by another Federal agency.

(5) Meteorological measurements, including the setting of instruments.

(6) Hydrographic and oceanographic measurements, including the setting of instruments.

(7) Small diameter core sampling to determine foundation conditions.

(d) The Coast Guard advises and coordinates with appropriate Federal agencies and States concerning activities under this subpart.

(e) If necessary, the Coast Guard requires additional information in individual cases.

§ 148.505 General conditions of performance.

(a) No person may conduct activities to which this subpart applies except in compliance with the regulations in this subpart and all other applicable laws and regulations.

(b) A separate written notice is required for each site.

(c) Measures must be taken to prevent or minimize the effect of those activities that may—

- (1) adversely affect the environment;
- (2) interfere with authorized uses of the Outer Continental Shelf or navigable waters; or
- (3) pose a threat to human health and welfare.

§ 148.507 Reports.

Each person conducting site evaluation and preconstruction testing at potential deepwater port locations shall—

- (a) notify the Coast Guard of any evidence of objects of cultural, historical, or archeological significance immediately upon their discovery;
- (b) notify the Coast Guard immediately of any—

- (1) adverse effects on the environment;
- (2) interference with authorized uses of the Outer Continental Shelf;
- (3) threat to human health and welfare; and
- (4) adverse effects on any site, structure, or object of potential historical or archeological significance; and

(c) submit a preliminary written report to the Coast Guard within 30 days after the completion of activity that contains, as reasonably available at that time—

- (1) a narrative description of the activities performed;
- (2) charts, maps, or plats for the area where the activities were conducted and referencing the narrative description required in paragraph (c) (1) of this section;
- (3) the dates on which the activities were performed;
- (4) information on any adverse effects on the environment, other uses of the area where the activities were conducted, human health or welfare, or any site, structure, or object of potential historical or archeological significance;
- (5) data on the historical or archeological significance of the area where the activities were conducted, including the report of an underwater archeologist, if physical data indicate the need for such expertise as related to the activities undertaken; and
- (6) any additional information that may be required by the Coast Guard; and
- (d) submit to the Coast Guard within 120 days after the completion of activity a final detailed report that contains all the data required in paragraph (c) of this section that was not included in the preliminary report.

§ 148.509 Suspension and prohibition of activities.

- (a) The Commandant may order, either in writing or orally with written confirmation, the immediate suspension, for a period not to exceed 30 days, of any site evaluation activity when, in his judgment, such activity threatens immediate, serious, and irreparable harm to human life, biota, property, cultural resources, any valuable mineral deposits, or the environment. During any suspension the Coast Guard will consult with the sponsor of the activity sus-

pending concerning appropriate measures to remove the cause for suspension. A suspension may be rescinded at any time upon presentation of satisfactory assurance by the sponsor that the activity no longer adversely threatens the quality of the human environment.

(b) The Commandant may prohibit those activities that—

- (1) are suspended under paragraph (a) of this section, if the cause for suspension is not or cannot be removed;
- (2) threaten immediate, serious, and irreparable harm to life, including biota, property, cultural resources, any valuable mineral deposits, or the environment;
- (3) violate the requirements of this subpart; or
- (4) are otherwise inconsistent with the purposes of the Act.

(Sec. 5(b), 88 Stat. 2131 (33 U.S.C. 1504 (b)); 49 CFR 1.46.)

Effective date. This amendment to Part 148 becomes effective on May 24, 1976.

Dated: April 19, 1976.

O. W. SILER,
Admiral,

U.S. Coast Guard Commandant.

[FR Doc.76-11677 Filed 4-21-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment E-186]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Magnetic Tape Storage

This amendment prescribes that all encoded data on magnetic tapes be stored in acceptable environmental conditions for proper storage, preservation, and maintenance of these tapes. This amendment also sets standards for long-term retention of tape files to prevent loss of valuable information stored on the tapes.

The table of contents for Part 101-32 is amended by adding the following entry:

101-32.1207 Maintenance of tape files.

Subpart 101-32.12—Care and Handling of Magnetic Computer Tape

1. Section 101-32.1205(b) is revised to read as follows:

§ 101-32.1205 Care and handling of magnetic computer tape.

• • • • •

- (b) The environment in which tape is used or stored shall always be as clean as possible because friction between tape and guide surfaces on the tape drives creates an electrostatic charge which attracts airborne particles to the tape. Particles of only 0.00046 inch in size can cause a tape error. Therefore, the elimination of dust, lint, or other foreign matter from equipment in tape libraries,

tape storage areas, and tape rehabilitation areas is necessary for efficient operation. The cleanliness of equipment, floors, and contiguous areas, and the control of temperature and humidity within tolerances prescribed by tape equipment manufacturers are essential. In addition to the computer room environmental control procedures provided in § 101-32.704, the following safeguards shall be observed:

- (1) Traffic in and out of tape libraries, tape storage areas, and tape rehabilitation areas shall be kept to a minimum. Smoking, eating, and drinking in such areas shall be prohibited.
- (2) Tape libraries, tape storage areas, and tape rehabilitation areas shall be maintained as free from dust as possible. Air-conditioner filters should be of a type approved by competent authority; e.g., Underwriters Laboratories, for use with tape systems and checked frequently, particularly if an excessive buildup of dust appears on equipment or is otherwise evident. Particular attention shall be given to fiberglass filters since they often fail to prevent the penetration of fine silts and tend to broadcast particles of fiberglass which may be attracted to the tape. For replacement of filters or assistance in dust control, the GSA buildings manager, or other official controlling or operating the building, shall be contacted.

2. Section 101-32.1207 is added as follows:

§ 101-32.1207 Maintenance of tape files.

To prevent the loss of valuable information recorded on computer magnetic tape, in addition to the other stipulations of this Subpart 101-32.12, the following standards shall apply to the maintenance of tape files that are scheduled for long-term retention:

- (a) Tapes shall be tested and certified within at most 6 months before they are used to record information for long-term retention.
- (b) When tapes are written, they shall be verified as error free.
- (c) For tapes in inactive storage, a 3 percent statistical sample of all reels of archivally valuable tape files shall be read annually to identify any loss of data and to discover its causes. Measures shall be taken to eliminate the causes of errors. Tapes with 10 or more errors shall be replaced and, when possible, lost data shall be restored.
- (d) For tapes in active use, whenever 10 or more errors occur within a reel, the tape shall be examined to determine the causes of the errors. When the errors are due to permanent tape damage, the file shall be transferred to certified tape. When the errors are correctable, appropriate measures such as cleaning and rewinding under programed tension shall be applied.
- (e) To prevent loss of information due to changing technology or to the aging of the storage medium, when appropriate, files shall be rewritten and/or

transferred to another machine-sensible medium.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective April 22, 1976.

Dated: April 9, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc. 76-11599 Filed 4-21-76; 8:45 am]

[FPMR Amendment F-25]

PART 101-35—TELECOMMUNICATIONS Data, Facsimile, and Record Telecommunications Services and Facilities Inventory

Government agencies have recently recognized the need for an up-to-date inventory of Government local and intercity data, facsimile, and record telecommunications circuits and equipment. In response to this need GSA is establishing the Communications Management Information System (C/MIS) to provide an automated data base for such an inventory. The inventory is to be established by a report which executive agencies shall submit to GSA not later than 6 months after the effective date of this amendment, using GSA Forms 2936, 2936-A, 2936-B, 2936-C, and 2936-D, as applicable and shall include all local and intercity data, facsimile, and record telecommunications facilities installed through the effective date of this amendment. The initial inventory report and the FPMR 101-35 telecommunications procurement approval procedures are required for both mission area and non-mission area groups operated by executive agencies except as provided in FPMR 101-35.102. The difference between mission area and non-mission area groups is defined in Office of Telecommunications Policy (OTP) Circular No. 12.

Specific information concerning initial inventory submissions may be obtained from the General Services Administration (CPM), Washington, DC 20405. The initial inventory report has been cleared with NARS in accordance with FPMR 101-11.11 and has been assigned Interagency Reports Control No. 0074-GSA-OT. Agencies may obtain an initial supply of GSA Forms 2936, 2936-A, 2936-B, 2936-C, and 2936-D from General Services Administration (3FND), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Executive agencies shall keep this computer inventory file up to date by using these GSA forms to request intercity data telecommunications procurement approval under FPMR 101-35.2 and to notify GSA of new installations or major changes of local data, facsimile, and record telecommunications facilities.

The table of contents for Part 101-35 is amended as follows:

Sec.
101-35.201-3 Changes to data telecommunications services required by procurement or sharing of automatic data processing equipment (ADPE).

Sec.
101-35.201-4 Communications Management Information System (C/MIS).

101-35.201-5 Definitions.
101-35.202 Description of major changes.

101-35.4902 GSA forms.
101-35.4902-2936 GSA Form 2936, Data, Facsimile, and Record Telecommunications System Summary.

101-35.4902-2936-A GSA Form 2936 - A, Dial-up and Point-to-Point Data, Facsimile, and Record Telecommunications Services.

101-35.4902-2936-B GSA Form 2936-B, Data, Facsimile, and Record Telecommunications Services Serving Computers.

101-35.4902-2936-C GSA Form 2936-C, Data, Facsimile, and Record Telecommunications Multiplexing / Concentrating Services.

101-35.4902-2936-D GSA Form 2936-D, Multi-Point Data, Facsimile, and Record Telecommunications Services.

Subpart 101-35.1—General Provisions

1. Section 101-35.102(d) is added to read as follows:

§ 101-35.102 Applicability.

(d) The provisions of this Part 101-35 apply to the requirements of telecommunications services and facilities planned by mission area groups or otherwise that will be acquired, used, or operated by executive agencies. The difference between services and facilities planned by mission area and non-mission area groups is outlined in Office of Telecommunications Policy (OTP) Circular No. 12.

Subpart 101-35.2—Major Changes and New Installations

2. Sections 101-35.201 and 101-35.201-3 are revised to read as follows:

§ 101-35.201 General.

Executive agencies contemplating changes or new installations of telecommunications services or facilities are subject to the provisions of this Subpart 101-35.2. The utilization and ordering of telecommunications services and facilities are subject to the provisions of Subpart 101-35.3.

NOTE: Agencies must report usage of the FTS intercity voice network for data, facsimile, and record transmission in accordance with § 101-35.310.

§ 101-35.201-3 Changes to data telecommunications services required by procurement or sharing of automatic data processing equipment (ADPE).

(a) When data telecommunications services are required in connection with the procurement of ADPE, the sharing of Government ADP resources, or commercial ADP time sharing, a telecommunications study is required as prescribed in Subpart 101-32.11 prior to formal submission to GSA.

(b) Changes in or installation of new data telecommunications services associated with the procurement of ADPE are

subject to the provisions of this Subpart 101-35.2. When Subpart 101-32.4 requires a submission to GSA, the agency procurement request shall also include the information required by § 101-35.203 (c).

(c) When data telecommunications services are required in connection with sharing of Government ADP resources or commercial ADP time sharing, § 101-32.203 shall be complied with prior to formal submission under this subpart.

3. Sections 101-35.201-4 and 101-35.201-5 are added to read as follows:

§ 101-35.201-4 Communications Management Information System (C/MIS).

GSA operates and maintains the C/MIS, which provides a current inventory of the executive agencies' local and intercity data, facsimile, and record telecommunications facilities and systems. This inventory is derived from the information provided by agencies as required by § 101-35.203(c) of this subpart. C/MIS applies to all executive agencies except as provided in § 101-35.102.

§ 101-35.201-5 Definitions.

Terms used in this subpart are defined as follows:

(a) "Local dialing area" is the geographical area within which a telephone call can be made for which no commercial long distance toll charge or other similar charge can be assessed.

(b) "Intercity data, facsimile, and record telecommunications services" are services which are used solely or partially to send and/or receive data, facsimile, and record telecommunications transmissions to a location or locations outside the local dialing area in which the transmission originates. This definition includes data, facsimile, and record telecommunications services used for local access to a commercial or Government-provided intercity network and those integral to intercity teleprocessing services.

(c) "Local data, facsimile, and record telecommunications services" are services which are used exclusively to send and/or receive data, facsimile, and record telecommunications transmissions to a location or locations within the local dialing area in which the transmission originates.

(d) "Data, facsimile, and record telecommunications services" are telecommunications services used for all types of data transmission, including data, facsimile, graphic, and record (including teletypewriter and telegraph) transmission but not including services used exclusively for voice, radio, video or audio transmission, or secure telecommunications purposes.

4. Section 101-35.202(c) is revised and (d) removed to read as follows:

§ 101-35.202 Description of major changes.

(c) Data, facsimile, and record telecommunications services.

Installation, replacement, or relocation of intercity data, facsimile, and

record telecommunications services (including data, facsimile, and record transmission channels or equipment, either electrically, electronically, or acoustically coupled) including multiplexing facilities, regardless of transmission speed. Installation, replacement, or relocation of intercity data, facsimile, and record telecommunications services requires prior approval by GSA. After approval the agency shall provide GSA confirmation that the installation has actually taken place. Relocation of previously approved intercity data, facsimile, and record telecommunications services within a local dialing area may be made without prior approval provided that the agency notifies GSA of the relocation. Intercity data, facsimile, and record telecommunications services may be removed without prior approval provided the agency notifies GSA before the disconnection date. Installation, replacement, relocation, or removal of local data, facsimile, and record telecommunications services or equipment does not require prior approval by GSA provided that the agency notifies GSA of the action taken. However, a change in usage of data, facsimile, and record telecommunications services from local to intercity requires approval by GSA.

(d) [Revoked]

5. Section 101-35.203 (c) is amended and (d) is removed to read as follows:

§ 101-35.203 Justification of major changes and new installations.

(c) *Data, facsimile, and record telecommunications services.* Agencies shall complete the appropriate items in GSA Forms 2936, 2936-A, 2936-B, 2936-C, and 2936-D which are illustrated in § 101-35.4902. Agencies may obtain assistance in completing these forms from the General Services Administration (GSA), Washington, DC 20405. These reports have been cleared in accordance with FPMR 101-11.11 and are exempt from reports control.

(d) [Revoked]

Subpart 101-35.49—Forms and Illustrations

6. Section 101-35.4902 is added to read as follows:

§ 101-35.4902 GSA forms.

(a) The GSA forms that are illustrated in this § 101-35.4902 show their text, format, and arrangement and provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

(b) Agency field offices may obtain the GSA forms illustrated in this § 101-35.4902 by submitting their requirements to their Washington headquarters office which shall forward consolidated annual requirements to the General Services Administration (BRO), Washington, DC 20405.

§ 101-35.4902-2936 GSA Form 2936, Data, Facsimile, and Record Telecommunications System Summary.

§ 101-35.4902-2936-A GSA Form 2936-A, Dial-up and Point-to-Point Data, Facsimile, and Record Telecommunications Services.

§ 101-35.4902-2936-B GSA Form 2936-B, Data, Facsimile, and Record Telecommunications Services Serving Computers.

§ 101-35.4902-2936-C GSA Form 2936-C, Data, Facsimile, and Record Telecommunications Multiplexing/Concentrating Services.

§ 101-35.4902-2936-D GSA Form 2936-D, Multi-Point Data, Facsimile, and Record Telecommunications Services.

Note.—The forms illustrated in § 101-35.4902 are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date. This regulation is effective April 22, 1976.

Dated: March 31, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-11600 Filed 4-21-76; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2388]

PART 2710—PUBLIC SALE—R.S. 2455: GENERAL

Lands Subject to Sale

This rulemaking amends 43 CFR Part 2710 by reinstating a provision relating to legal limitation of authority. The Act of March 28, 1912 (37 Stat. 77), as amended, imposes a maximum acreage limitation upon the land sales that may be made to one buyer under the Statute. In the process of a revision of the Public Sale regulations in 1964, this provision was omitted. Inclusion of the acreage limitation in the regulations reflects the intent of the law and its subsequent application. Therefore, proposed rulemaking and public participation are not necessary.

The regulations are amended as follows and will become effective May 17, 1976.

1. Section 2710.0-8(b) is amended as follows:

§ 2710.0-8 Lands subject to sale.

(b) The Act also authorizes the Secretary in his discretion, upon application of any person who owns land or holds a valid entry adjoining such tract, to order into market and sell at public auction for not less than their appraised value any legal subdivision or contiguous legal subdivisions of public land not exceeding 760 acres, the greater part of each of which subdivisions is mountainous or too rough for cultivation. An applicant may file any number of applica-

¹ Above forms are filed as part of the original.

tions, provided the land to be purchased thereunder, plus land previously purchased under this paragraph (b) does not exceed 760 acres.

Dated: April 15, 1976.

CHRIS FARRAND,
Acting Assistant Secretary
of the Interior.

[FR Doc.76-11601 Filed 4-21-76; 8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS, CLARIFICATION AND INVESTIGATIONS

PART 230—LOCOMOTIVE INSPECTION

Telephonic Reports

Corrections

In FR Doc 76-10885, appearing at page 15847 in the FEDERAL REGISTER of Thursday, April 15, 1976 the last line of the first paragraph on page 15847 should read "800-424-0201."

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-27; Notice 18]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems

This notice amends Standard No. 105-75, Hydraulic Brake Systems, to permit a manufacturer to provide either a gross loss of pressure indicator (GLPI) or a low brake fluid level indicator (BFLI) in satisfaction of the hydraulic failure indicator requirements of S5.3.1.

This amendment of Standard No. 105-75 (49 CFR 571.105-75) was proposed in response to petitions from Ford Motor Company, Wagner Electric Corporation, and Mercedes-Benz of North America, Inc., as well as the comments of other manufacturers of hydraulic-braked motor vehicles (41 FR 2828, January 20, 1976).

Comments were received from General Motors Corporation, Bob Ingham, Jr., Chrysler Corporation, Wagner Electric Corporation, the California Department of Highway Patrol (CHP), Professor P. N. Joubert, Bendix Corporation, British Leyland UK Limited, the Vehicle Equipment Safety Commission, Ford Motor Company, Bayerische Motoren Werke, and the Department of Transport of Australia. The National Motor Vehicle Safety Advisory Council made no comment on the proposal.

All commenters except the CHP, VESC, Department of Transport of Australia, and Professor Joubert endorsed the amendment as proposed and urged its swift implementation.

The CHP recommended that the proposed option be allowed only until the availability and reliability problems as-

sociated with the BFLI are resolved, at which time the BFLI would be required on all vehicles. The VESC also recommended a requirement for both of the devices or the BFLI alone. It is the opinion of the CHP that the apparent benefit of a GLPI is not real, because the GLPI warning activates only after failure has occurred, when increased pedal travel and decreased stopping performance have already warned of the faulty condition. However, the failure of one subsystem in split system vehicles, particularly that to the rear wheels, easily may go unnoticed during the low rate-of-deceleration stops encountered in normal driving. In this vast majority of cases, the driver will be warned of the failure by the GLPI before the brake failure is apparent, a substantial benefit in averting accidents.

Each of the four commenters who did not support the proposal found fault with the NHTSA's use of the extremely limited accident data from the Indiana University Institute for Research in Public Safety study (Tri-Level Study of the Causes of Traffic Accidents, DOT-HS-801-335, January, 1975). The four commenters apparently interpreted Notice 17 to mean that the NHTSA had concluded, based on this small amount of data, that the BFLI was not cost-effective. Such is not the case. The NHTSA's evaluation of the Indiana study only concluded that its earlier judgment that both warnings were justified was cast in some doubt by the limited data generated since that initial decision was made. The NHTSA believes that the doubt is sufficient to justify dropping the simultaneous requirement for both devices.

As noted by the CHP, the accident data are not yet available to quantitatively prove the comparative benefits of one warning system over the other. Although the four dissenting commenters expressed a preference for the BFLI, the NHTSA feels that there is insufficient evidence of its superiority to mandate its use in place of the GLPI. The NHTSA believes that a continuation of the option previously available under Standard No. 105 is in the public interest.

Ford Motor Company pointed out that the proposed wording of S7.9.1, which refers to a "brake system failure indicator" was inconsistent with other references in the standard, and suggested that the word "failure" be removed. The reference has been changed to read "brake system indicator lamp" to be consistent with S5.3. Section S7.9.4 also is reworded for the same reason.

In a matter unrelated to the BFLI proposal, the agency hereby corrects an inadvertent omission of a conforming amendment that should have accompanied the major amendment making the standard applicable to school buses (41 FR 2391, January 16, 1976). The reference to "S7.4.2.1.2" in S6 is changed to "S7.4.2.1."

In consideration of the foregoing, Standard No. 105-75 (49 CFR 571.105-75) is amended as follows:

1. The first paragraph of S5.3.1 is amended to read:

S5.3.1. An indicator lamp shall be activated when the ignition (start) switch is in the "on" ("run") position and whenever any of conditions (a), (c), or (d) occur, or, at the option of the manufacturer, whenever any of conditions (b), (c), or (d) occur:

2. The last sentence of S5.3.1 is deleted.

3. In S7.6, the reference to "S7.4.2.1.2" is changed to "S7.4.2.1."

4. The second sentence in S7.9.1 is amended to read:

Determine the control force, pressure level, or fluid level (as appropriate for the indicator being tested) necessary to activate the brake system indicator lamp.

5. The second and third sentences of S7.9.3 are deleted.

6. The last two sentences of S7.9.4 are combined and amended to read:

Determine whether the brake system indicator lamp is activated when the electrical power source to the antilock or variable proportioning unit is disconnected.

Effective date: April 22, 1976. Because this amendment creates no additional requirements for any person and because

of the manufacturers' need to know as soon as possible the vehicle requirements for the upcoming model year for planning purposes, it is found that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 14, 1976.

JAMES B. GREGORY,
Administrator

[FR Doc.76-11453 Filed 4-16-76; 11:06 am]

[Docket No. 76-3; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

This amendment adds a new tire size designation to 49 CFR 571.109 (Federal Motor Vehicle Safety Standard No. 109).

Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifying procedures by which routine additions could be made to Appendix A, § 571.109. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of 49 CFR § 571.109 is amended, subject to the 30-day provision indicated above, as specified below.

Effective date: May 22, 1976, if objections are not received.

The following change is made to Appendix A of § 571.109, Standard No. 109, *New Pneumatic Tires*:

Amendment requested by the Rubber Manufacturers Association:

§ 571.109 [Appendix amended]

In Table I-R, the following new tire size designation and corresponding values are added.

TABLE I-R.—Tire load ratings, test rims, minimum size factors, and section widths for "60-series" radial ply tires

| Tire size designation ¹ | Maximum tire loads, (pounds) at various cold inflation pressures (pounds per square inch) | | | | | | | | | | | | Test rim width (inches) | Minimum size factor (inches) | Section width ² (inches) |
|------------------------------------|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------------------------|------------------------------|-------------------------------------|
| | 16 | 18 | 20 | 22 | 24 | 26 | 28 | 30 | 32 | 34 | 36 | 38 | 40 | | |
| ER60-14 | 950 | 1,010 | 1,070 | 1,130 | 1,190 | 1,240 | 1,300 | 1,350 | 1,400 | 1,440 | 1,490 | 1,540 | 1,580 | 6½ | 33.50 |

¹ The letters "H," "S" or "V" may be included in any tire size designation adjacent to the "R."

(Secs. 103, 119, 201 and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421 and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 19, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-11713 Filed 4-21-76; 8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD PART 801—PUBLIC AVAILABILITY OF INFORMATION

Fee Schedule

On March 19, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 11565) setting forth, as an appendix to 49 CFR Part

801, a proposed amended fee schedule for National Transportation Safety Board publications and for the reproduction of factual investigative records and other documents. Interested persons were given the opportunity to submit, not later than April 15, 1976, comments regarding the amended fee schedule.

No comments were received. However, under item 2(c) Minimum charge for

reproduction, the charge was erroneously shown in the proposal notice as \$4.00. The correct minimum charge for reproduction is \$2.00.

Accordingly, the amended fee schedule is hereby adopted as set forth below.

Effective date: April 22, 1976.

Signed at Washington, D.C., on April 16, 1976.

WEBSTER B. TODD, JR.,
Chairman.

APPENDIX—FEE SCHEDULE

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

- (a) Subscriptions (calendar year):
 - (1) Initial decisions of the administrative law judges—\$40.00 for one subscription, \$30.00 for each additional subscription.
 - (2) Board safety enforcement opinions and orders—\$20.00 for one subscription, \$15.00 for each additional subscription.
 - (3) Board aircraft accident (probable cause) reports, brief format—\$40.00 (U.S.) and \$50.00 (foreign).
 - (4) Aircraft accident reports, narrative—\$35.00 (U.S.) and \$45.00 (foreign).
 - (5) Board safety recommendations—\$60.00.

NOTE.—Subscription orders for (a) (3) and (4), above, should be forwarded to the National Technical Information Service, P.O. Box 1551, Springfield, Virginia 22151.

(b) Document certification under the Board's seal—\$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—\$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Branch, Bureau of Aviation Safety, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Board's General Manager. In addition, subscription fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the General Manager to be appropriate in the interest of and contributing to the Board's program.

2. Commercial reproduction fees and search fees. Pursuant to 5 U.S.C. 552 as amended, reproduction of the documents listed below is accomplished by commercial contract, and the reproductions are mailed from the contractor together with a billing for the costs. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594, together with an agreement to pay the reproduction cost. For search fee, see note appearing under 2(e) (2) of this Appendix. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

| Size (in inches): | |
|-------------------|--------|
| 8½ by 11 | \$0.23 |
| 8½ by 14 | .23 |
| 10 by 14 | .23 |
| 14 by 18 | .23 |
| 18 by 24 | .23 |

(b) Photographic prints:

| Size (in inches): | |
|--------------------------|--------|
| 8 by 10 black/white | \$1.25 |
| 5 by 7 color | 2.50 |
| 8 by 10 color | 4.00 |
| 2 by 2 color slide | .50 |
| 2 by 2 black/white slide | .25 |
| 4 by 10 X-ray | .50 |

(c) Minimum charge for reproduction—\$2.00.

(d) Special expedite service—20 percent surcharge for 24-hour service and 10 percent surcharge for 48-hour service.

(e) Document search fee—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a \$4.00 search fee is required only for:

- (1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.
- (2) Accident investigation information not in the Board's public files.
- (3) Responses to safety recommendations from recipients of such recommendations.

NOTE.—The \$4.00 search fee will be included in the commercial reproduction firm's invoice.

(f) Documents requiring commercial reproduction for copies:

- (1) Transcripts of public hearings.
- (2) Factual accident investigation reports and information (see (e) (1) and (2) above).
- 3. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. There is a self-service duplicator in the reference room, which is available to the public for reproduction at a nominal cost.

4. Documents available without commercial reproduction cost until limited supplies are exhausted:

- (1) Press releases.
- (2) Aircraft accident reports, narrative, and brief format probable cause reports (on request for specific accidents).
- (3) Surface accident reports.
- (4) Special studies.
- (5) Safety Board regulations (49 CFR 800 through 845).
- (6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.
- (7) Statistical data published by the Board.
- (8) Safety recommendations.
- 5. Documents for sale by the Government Printing Office:
 - (1) Board's annual report.
 - (2) Volume I, National Transportation Safety Board Decisions (1967-1972).

[FR Doc.76-11688 Filed 4-21-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Mingo National Wildlife Refuge; Missouri

The following special regulations is issued and is effective April 22, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Mingo National Wildlife Refuge, Mis-

souri is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,500 acres, is delineated on maps available at refuge headquarters, one mile north of Puxico, Missouri, and from the Area Manager, U.S. Fish and Wildlife Service, 601 East 12th, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge extends from opening date of statewide season May 29, 1976 through September 30, 1976, inclusive.

(2) Hunters must register when entering the refuge and record kill when leaving.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1976.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Missouri.

APRIL 2, 1976.

[FR Doc.76-11593 Filed 4-21-76; 8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 245—OFFSHORE SHRIMP FISHERIES

Interim Regulations

On January 2, 1974, the President signed the Offshore Shrimp Fisheries Act of 1973 (P.L. 93-242) which implemented the treaty between the United States and the Federative Republic of Brazil, signed on May 9, 1972, and ratified by the President, upon the advice and consent of the Senate on November 29, 1972, concerning the conservation of shrimp resources off Brazil.

This 1972 treaty expired on February 23, 1975 and was superseded by a 1975 treaty between the United States and the Federative Republic of Brazil signed on March 14, 1975, and signed by the President, upon the advice and consent of the Senate, on December 22, 1975. This 1975 treaty likewise concerns the conservation of shrimp resources off Brazil. Changes in the 1975 treaty and the need to extend the implementing legislation necessitated the Offshore Shrimp Fisheries Act Amendments of 1975 (P.L. 94-58) (The "Act").

In addition to other specific authority contained in the Act, section 11 of the Act authorizes the Secretary of Commerce to issue all regulations necessary for carrying out the purposes and objectives of the treaty and the Act. By delegation of authority dated February 4, 1974, the Secretary has delegated this responsibility to the Administrator, National Oceanic and Atmospheric Administration, who further delegated the re-

sponsibility to the Director, National Marine Fisheries Service, on March 11, 1974. Therefore, it is the purpose of these amendments to conform the regulations to the Act and the treaty and to carry out the objectives and purposes of the treaty. In order to present a comprehensive picture, the entire regulations are reprinted with the changes incorporated therein. The conforming amendments deal with the following matters:

1. Redefine "Act" to incorporate the 1975 Amendments (See § 245.1(n)).
2. Redefine "Treaty" to mean the 1975 treaty (See § 245.1(o)).
3. Amend the section dealing with permits to reflect the new requirement that a maximum of 200 vessels with permits may fish in any quarter during 1975 and 175 vessels during any quarter in 1976 (See § 245.2(a)).
4. Amend the amount required to be deposited during the voluntary compliance period by increasing it to \$1215. (See § 245.4(a)(1)).
5. Amend eligibility requirements for a permit to specify that fishermen must not have been using fishing vessels and fishing methods during the period March 14, 1975 to July 24, 1975, which would have constituted a violation under the regulations had the treaty been in force (See § 245.4(a)(2)).
6. Amend the amount of the annual fee for a permit by increasing it to \$1215 (See § 245.5).
7. Amend the prohibition section to make it clear that vessel owners in addition to vessel masters or other persons in charge of a vessel may be held liable if they engage in or permit their vessels to engage in certain prohibited acts. (See § 245.6).
8. Amend the prohibition section to reflect that during 1975 no more than 160 vessels and during 1976 no more than 120 vessels with permits may be on the fishing grounds at any one time (See § 245.6(a)(4)).
9. Amend the prohibition section to prohibit fishing in contravention of procedures established for limiting the number of vessels which (a) may be permitted to fish during any quarter or (b) may actually be on the fishing grounds at any one time. (See § 245.6(a)(b)).
10. Amend the Enforcement section to establish procedures to (a) limit the number of vessels with permits which may be authorized to fish during any quarter and (b) limit the number of vessels actually on the fishing grounds at any one time (See § 245.10).
11. Add new section 245.31 concerning notice to vessel owners.
12. Numerous other editorial amendments which do not have any substantial effect on fishermen.

These interim regulations are issued under, among others, the authority contained in section 11 of the Act. Written comments, views, or objections on these interim regulations may be made to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235 on

or before May 24, 1976. Final regulations will be published as soon thereafter as practical.

In accordance with Executive Order 11821 dated November 27, 1974, it is hereby certified that the inflationary impact of this action on the nation has been carefully evaluated. The additional Federal expenditures required are so minimal that no substantive impact on the Nation is anticipated.

Because of the need for immediate guidance with respect to the provisions contained in these interim regulations and due to the requirement of issuing permits and the required receipt of said permits by officials of the Federal Republic of Brazil prior to the commencement of fishing operations, it is found impractical to issue a Notice of Proposed Rulemaking under 5 USC 553(b) or subject these regulations to the effective date limitations of 5 USC 553(d), these interim regulations are effective April 22, 1976.

Issued at Washington, D.C. and dated April 22, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

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AUTHORITY: Sec. 11, P.L. 93-242, 87 Stat. 1061 (16 U.S.C. 1100b) and P.L. 94-58, 89 Stat. 266 (16 U.S.C. 1100b note).

Subpart A—General Provisions

§ 245.1 Definitions.

(a) *Shrimp*. The Shrimp *Penaeus* (M.) *duorarum* *notialis*, *Penaeus* *brasilensis*, and *Penaeus* (M.) *aztecus* *subtilis*.

(b) *Area of agreement*. The area in which United States vessels carry on a shrimp fishery in the vicinity of Brazil, as described by the following boundaries:

the waters off the coast of Brazil having the isobath of thirty meters as the southwest limit, the latitude 1 degree north as the southern limit, the longitude 47 degrees 30 minutes west as the eastern limit, and a line running from the point of 4 degrees 44 minutes north latitude, 51 degrees 30 minutes west longitude at an azimuth of 17 degrees to the point of 4 degrees 51 minutes north latitude, 51 degrees 28 minutes west longitude and thence at an azimuth of 43 degrees to the point of 8 degrees 58 minutes north latitude 47 degrees 30 minutes west longitude as the northwestern boundary;

(c) *Vessel*. Every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water;

(d) *Secretary*. The Secretary of Commerce or his delegate;

(e) *Director*. The Director of the National Marine Fisheries Service or his delegate;

(f) *Regional Director*. The Regional Director, or his delegate, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, Telephone Number: Area Code (813) 893-3141.

(g) *Transship*. The transfer of shrimp from one vessel to another vessel, or the receipt of shrimp by one vessel from another vessel;

(h) *Fishing*. The taking or attempted taking of shrimp by any means whatsoever.

(i) *Vessel owner*. Any individual partnership, corporation, association, company, trust, or estate, which is the owner of record of a vessel documented under the laws of the United States or a corporation which owns or controls one or more other corporations which are the owner of record of vessel or vessels documented under the laws of the United States.

(j) *Person*. Any individual, partnership, corporation, association, company, trust, or estate.

(k) *Gear*. Any single set of net and doors for a single trawl vessel, or for a vessel capable of towing more than one net at a time, as many sets of nets and doors as the vessel is capable of towing.

(l) *Permit*. Authorization to vessel owners for vessels documented under the laws of the United States to engage in fishing or transshipping in the area of agreement issued by the Regional Director.

(m) *Duly authorized officer*. Any authorized enforcement officer designated by the Secretary, the Secretary of the Department in which the Coast Guard is operating, or the Secretary of the Treasury; and, in addition, any authorized law enforcement officer of the Government of Brazil who is exercising responsibility under Article V of the treaty.

(n) *Act*. The Offshore Shrimp Fisheries Act of 1973, Public Law 93-242 (87 Stat. 1061), as amended by the Offshore Shrimp Fisheries Act Amendments of 1975, Public Law 94-58 (89 Stat. 266).

(a) *Treaty*. The Agreement Between the Government of the Federative Republic of Brazil and the Government of

the United States of America concerning Shrimp, signed on March 14, 1975, including related annexes, notes and agreed minutes, as these documents may be amended from time to time.

§ 245.2 Permits.

(a) The Secretary is authorized under section 3 of the Act to issue permits to vessels documented under the laws of the United States to engage in fishing for shrimp in the area of agreement: *Provided*, That the number of vessels which are the subject of permits shall not exceed 325: *Provided further* That no more than two hundred (200) vessels with permits shall be authorized to fish in any quarter of 1975 beginning March 1 and ending February 29, 1976, and no more than one hundred and seventy-five (175) vessels with permits shall be authorized to fish in any quarter of 1976 beginning March 1 and ending February 28, 1977, or such other number or period as may be specified in the treaty from time to time. Of these vessels, not more than 160 shall fish at any one time during the 1975 season, and not more than 120 vessels shall fish at any one time during the 1976 season. Such vessels shall be of the same type (up to approximately 85 feet in length) and have the same gear as those employed in the fishery until now. They shall not employ, in fishing operations, electrical fishing equipment, nor shall chemical, toxic, explosive or polluting substances, or other material with similar destructive effect be employed.

(b) A permit shall be valid only for the vessel with respect to which it is issued and shall not cover more than one vessel, except that a vessel owner may, with prior written consent of the Director, transfer a permit to another vessel whether or not owned by the same vessel owner.

(c) Permits shall be issued only upon payment of the annual fee provided for in § 245.5.

(d) Permits shall be issued for a calendar year and may be renewed annually.

(e) No vessel owner may be issued a permit with respect to a vessel unless such vessel meets the requirements of this Part.

(f) Permits shall be restricted to the area of agreement:

(1) Shrimp fishing in the area of agreement shall be limited to the period from March 1 to November 30.

(2) Shrimp fishing in that part of the area of agreement southeast of a bearing of 240° from Ponta do Ceu radio-beacon shall be limited to the period from March 1 to July 1.

(g) The permit shall be carried at all times on board the vessel for which it is issued and such permit, the vessel, its gear and equipment, shall be subject to inspection for the purposes of this Part by duly authorized officers under § 245.10 to enforce the provisions of this Part.

(h) The permit, in addition to those matters set forth in section 3(d) of the Act, shall contain such other provisions as the Secretary deems necessary to

carry out the terms of the Treaty and the Act.

§ 245.3 Permit Applications.

(a) *Application.* Vessel owners may apply for permits to fish or transship in the area of Agreement. Such applications for permits shall be in writing, addressed to the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida 33702, and shall contain, unless otherwise required by the Director, the following information:

(1) The name and address of the applicant and address of the office in the United States to which all material may be sent or legal documents served;

(2) A complete description of the vessel, including the vessel name, owner, home port, port where operations are usually based, number of persons in the crew, name of the Master, length, main engine horsepower, and speed;

(3) A description of the navigation equipment;

(4) A description of the communication equipment including radio frequencies;

(5) A complete description of the fishing gear and method used on the vessel;

(6) The method of holding the catch on the vessel;

(7) A copy of an Official Certificate of Registration;

(8) Four (4) clear 8 by 10 inch glossy profile (side view) photographs of the vessel;

(9) A certified check payable to the Offshore Shrimp Fisheries Fund from a bank or trust company insured by the Federal Deposit Insurance Corporation in the amount required in § 245.5.

(10) Such other information as the Regional Director may request.

(11) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Offshore Shrimp Fisheries Act of 1973, as amended by the Offshore Shrimp Fisheries Act Amendments of 1975 and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, and to the penalties under the Offshore Shrimp Fisheries Act of 1973, as amended by the Offshore Shrimp Fisheries Act Amendments of 1975.

(12) Such application shall be signed by the applicant.

§ 245.4 Permit procedure.

(a) Permits shall be considered and issued by the Regional Director in accordance with the following procedure and priority:

(1) First to vessel owners who have had vessels engaged in fishing in the area of agreement at any time subsequent to March 14, 1975: *Provided*, That (i) all such vessels were documented under the laws of the United States and met the requirements of the Treaty, (ii) the vessel owners have deposited and continuously maintained \$1215 in a special bank account and transferred this amount to the Offshore Shrimp Fishing

Fund for each vessel and (iii) such vessels were covered by letters of voluntary compliance issued by the Regional Director.

(2) Second, to vessel owners who have been engaged in fishing under permits in the area of agreement after May 9, 1972: *Provided*, in no event, shall a vessel owner be eligible for receiving a permit under paragraph (a)(1) of this section or this paragraph (a)(2) of this section for a given vessel during the first six months after the effective date of this Act if the Regional Director determines that such vessel has engaged in activities during the period from March 14, 1975 to July 24, 1975, which would have constituted a violation specified in § 245.6(a)(3) and § 245.6(a)(5), but only to the extent that § 245.6(a)(5) relates to the use of fishing gear, fishing vessels and fishing methods, and the closure of the area of agreement to fishing. If an application is denied pursuant to a determination that the vessel engaged in activities which would have been a violation under said provisions of the Act, the applicant, upon a written request to the Regional Director, shall be entitled to a hearing. The hearing shall follow the procedure set forth in § 245.11.

(3) After all vessel owners under paragraph (a)(1) and (2) of this section have been considered for issuance of a permit, all other vessel owners who have made application may be considered for permits.

(4) If the number of vessels for which application is made in the case of paragraph (a)(1) of this section, is greater than the number of permits available pursuant to the Treaty, or if the number of applications made for the categories set forth in paragraph (a)(2) or (3) of this section is more than the number of permits available pursuant to the Treaty after first having accounted for the vessels in paragraph (a)(1) of this section, the number of permits available shall be proportionally distributed among the applicants within the first applicable category wherein the number of applications exceed the number of permits available pursuant to the Treaty so that, in no event will the total number of permits issued for paragraphs (a)(1), (2), or (3) of this section exceed the number of permits available pursuant to the Treaty. Proportionment within a particular category will be made based upon the date of receipt of the application by the Regional Director.

(5) The owner of any vessel for which application for a permit is refused may petition the Regional Director for reconsideration, and shall be entitled to a hearing. Such hearing shall follow the procedure set forth in § 245.11.

(b) The Regional Director may reissue permits which have been returned pursuant to § 245.2 to vessel owners with outstanding applications, who have not been able to obtain permits under the procedure set out in paragraph (a) of this section. The fee for such reissued permits shall be the prorated share of the annual fee for the portion of the

year during which the new permittee holds the permit.

§ 245.5 Annual fee.

(a) The annual fee for a permit shall be \$1215 (\$1115 for enforcement services and \$100 for administrative costs).

The amount of any deposit made under the voluntary compliance (§ 245.4(a)) and transferred to the Offshore Shrimp Fisheries Fund shall be credited toward the annual permit fee.

§ 245.6 Prohibitions.

(a) No vessel owner, master or other person in charge of a vessel engaged in fishing shall:

(1) Engage in fishing in the area of agreement, unless the vessel has a valid permit;

(2) Transship shrimp in the area of agreement, unless each vessel engaged in the transshipment has a valid permit or is otherwise authorized to engage in fishing in the area of agreement pursuant to the Treaty;

(3) Assault or attempt to prevent any duly authorized officer from boarding, searching, seizing or detaining a vessel in accordance with such officer's duties under the Treaty or the Act;

(4) Engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any one time to 160 in 1975 and 120 in 1976 or such other number as may be allowed pursuant to the treaty;

(5) Engage in fishing in the area of agreement in contravention of annex II, as it may be modified from time to time pursuant to article II, of the Treaty, or any regulations issued to implement such annex; and

(6) Engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels with permits which may be authorized to fish during any period in 1975 or 1976 as specified in 245.2 of these regulations.

(b) No vessel owner, master or other person in charge of a vessel documented under the laws of the United States shall:

(1) Fail or refuse to keep or provide any logbooks or any other information required pursuant to this Act, or provide or furnish false logbooks or other information; or

(2) Violate any other provision of the Treaty, the Act, or any regulations promulgated thereunder, the violation of which is not covered by this section.

§ 245.7 Reports and recordkeeping.

(a) The master or operator of a fishing vessel holding a permit shall keep, on forms furnished by the National Marine Fisheries Service, an accurate log of fishing operations showing vessel name, official number, port of departure and date, port of arrival and date, net size, captain's name and number in crew, fishing area, fishing time, and date, and shrimp catch for each day fished.

(b) In addition to the logbook, owners of vessels which have permits shall provide to the Director in such a form and at such times as he may prescribe, any other information necessary in order to carry out the purposes and objectives of the Act, which information may include data on fishing beyond the area of agreement in order to determine to the extent possible, the full potential of the shrimp fishery.

(c) Failure to maintain the logbooks required or to provide the Director with reports requested may result in withdrawal of the permit and the denial of the right to fish within the area of agreement.

(d) Information obtained pursuant to the Act and these regulations, shall be treated as confidential commercial information pursuant to 5 U.S.C. 552, except as otherwise provided in the treaty.

§ 245.8 Vessel identification.

(a) The owner of any vessel for which a permit has been issued shall be provided identification numbers preceded by two identifying letters "UB" (U.S.-Brazil) to distinguish such numbers from any other numbers from any other numbers displayed aboard authorized vessels.

(b) Such identification letters and numbers shall be displayed in the manner prescribed below:

(1) Identification letters and numbers shall be displayed on boards (approximately 2 feet high and 5 feet wide), mounted on top of the pilothouse and on the side of the deckhouse so that the identification letters and numbers are clearly visible from both sides of the vessel and from the air above the vessel.

(2) Identification letters and numbers will be black on an international orange background and at least 18 inches high with appropriate width.

(3) In lieu of displaying identification letters and numbers on boards described in paragraph (a) (2) of this section, such letters and numbers can be painted on the sides and top of the pilothouse or deckhouse provided such letters and numbers are black on an international orange background, at least 18 inches high, and are clearly visible from both sides of the vessel and from the air above the vessel.

(4) Identification letters and numbers shall be displaced in such a manner so that no obstructions, protuberance of the vessel, rigging, fishing gear, or any other objects interfere with the visibility of such letters and numbers.

(5) A portable or fixed light or lights should be available to illuminate identification letters and numbers at night or during periods of poor visibility to aid in identification when approached by a Brazilian or U.S. patrol vessel or aircraft.

(6) All vessels possessing permits must display the name of the vessel on both sides near the bow and on the transom of such vessels.

(7) All vessels possessing permits must display the name of the hailing port on the transom of such vessels.

(c) Identification numbers should be displayed on board vessels possessing permits immediately following receipt of these instructions.

§ 245.9 Penalties.

(a) Any master or other person in charge of a vessel who violates § 245.6 (section 8 of the Act) hereof or any vessel owner whose vessel is involved in such violations may be assessed a civil penalty by the Director, after notice and opportunity for a hearing, of not more than \$10,000 for a violation of § 245.6(a) (section 8(a) of the Act) and \$3,000 for a violation of § 245.6(b) (section 8(b) of the Act). Such hearing shall follow the procedures set forth in § 245.20. Except as provided in this section, the minimum penalty assessed shall be not less than an amount sufficient to cover the unusual enforcement expenses, of any, incurred by the United States pursuant to article VI of the treaty in connection with such violation: *Provided*, That if the person against whom the penalty has been assessed has paid on behalf of the United States, such unusual enforcement expenses, the minimum penalty requirement shall not apply. The amount of any such minimum civil penalty assessed and not paid on behalf of the United States shall be deposited directly into the Offshore Shrimp Fisheries Fund.

(b) The Director, after notice and opportunity for hearing, may assess against a vessel owner a civil penalty equal to the value of the catch on board the vessel when detained and the value of the gear involved in a violation of § 245.6 (section 8 of the Act).

(c) Permits issued under this part may be suspended or revoked by the Regional Director for failure to comply with any of the terms or conditions of the treaty, Act, regulations, or the permit. Upon such suspension or revocation, the permittee shall be afforded a prompt opportunity, after due notice, for a hearing by the Regional Director. Hearings shall follow the procedures set forth in § 245.11.

§ 245.10 Enforcement.

(a) This Act shall be enforced jointly by the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Treasury.

(b) Any duly authorized law enforcement officer of the Government of Brazil who is exercising responsibility under article V of the treaty shall be empowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement as follows: Any such officer may board and search any vessel which he has reasonable cause to believe has violated any provisions of the treaty. If, after boarding and searching such vessel, the officer continues to have reasonable cause to believe that a violation has been committed, he may seize and detain the vessel for the sole purpose of delivering it, as soon as practicable, to the agent of the United States Government designated by the Regional Director at the nearest port to the place

of seizure or any other place which is mutually agreed upon by the Government of Brazil and the Secretary of State.

(c) In the event that a vessel owner, master, or other person in charge of a vessel, pays on behalf of the United States the unusual enforcement expenses incurred in carrying out the seizure and detention of a vessel referred to in article VI of the Treaty, and is not assessed a civil penalty under § 245.9 within two years from the date of such seizure in respect to the violation for which the vessel was seized, such vessel owner, master, or other person shall be entitled to reimbursement of amounts so paid. Application for reimbursement shall be made in writing to the Director within one year from the time such vessel owner, master or person is entitled to reimbursement.

(d) The Director will monitor the number of vessels fishing in the area of agreement at any one time by utilizing the logbooks, and other data required by § 245.7 of these regulations, and information obtained as a result of law enforcement activities pursuant to paragraphs (a) and (b) of this section. A report from each permit holder shall be filed with the Regional Director no later than the close of business on the last day of December for the period covered by the months of March, April, and May; by the last day of March for the period covered by the months of June, July, and August; and the last day of June for the period covered by the months of September, October, and November. Each report shall state the total number of vessels with permits that will operate from South American or Caribbean ports during the period and the total number of vessels that will operate during the period in the agreement area.

When the Regional Director determines that a sufficient number of vessels with permits are operating from South American or Caribbean ports so as to require (1) limiting the number of vessels authorized to fish during any quarter of 1975 to 200 vessels or to 175 vessels during any quarter of 1976, or (2) limiting the number of vessels authorized to actually be operating on the fishing grounds at any one time to 160 vessels in 1975 or to 120 vessels in 1976, vessel owners will be notified and the following report for each period shall be required. This report shall be in lieu of the report required in this paragraph but shall be due at the times established in this paragraph.

(1) Each report shall state the total number of vessels the permit holder expects to employ during the period in the area of agreement, the UB number of each vessel that will not be so employed during the period, and the rank order by UB number of each vessel which is expected to be employed during the period in the area of agreement. This rank order will be used to determine which vessels cannot be used in the applicable period (either quarterly or at any one time) if a restriction on the number of vessels in the agreement area is necessary. Example: if a permit holder sub-

mits a listing of 10 UB numbers and it is necessary to restrict his participation to 7 vessels, then the last 3 UB numbers on the list furnished by him will be prohibited from operating in the agreement area during the applicable period.

(2) The Regional Director shall compile a list of permit holders showing the estimate for the period of vessels expecting to be operating in the agreement

$$\frac{(\text{Individual estimate}) \times M}{\text{Total estimate for all permit holders}} = \text{Number of vessels allowed}$$

(NOTE: as used in this formula, M is equal to the maximum number of vessels allowed in the agreement area—either quarterly or at any one time).

EXAMPLE: If an individual estimate of vessels to be employed in the agreement area is 12, and the total estimate of vessels to be employed in the agreement area by all permit holders is 240, and where 120 is equal to the maximum number of vessels allowed in the agreement area, during the 1976 season,

$$\text{then } \frac{12 \times 120}{240} = \text{Number of vessels allowed or 8 vessels allowed}$$

EXAMPLE: for quarterly determination where M=175, during the 1976 season:

$$\text{then } \frac{12 \times 175}{300} = 7 \text{ vessels}$$

EXAMPLE: for maximum number of vessels on grounds determination where M=120, during the 1976 season:

$$\text{then } \frac{12 \times 120}{300} = 4.8 \text{ or 5 vessels}$$

Therefore, the vessel owner with 12 permits could have 7 vessels authorized to fish during the quarter, but only 5 vessels could actually be on the fishing grounds at any one time during that quarter.

(3) The Regional Director shall notify each permit holder of the UB number of each vessel he may not employ in the agreement area for the applicable period.

(4) The Regional Director will notify officials of the Federative Republic of Brazil 30 days after reports are due from permit holders of the UB numbers prohibited from engaging in fishing in the area of agreement for the applicable period.

(5) Substitutions for vessels shall be allowed provided that written notice is made to the Regional Director stating the name and UB number of the vessel that is to be substituted and the name and UB number of the vessel that is to be replaced. No later than 10 days following receipt of such notice, the Regional Director shall notify officials of the Federative Republic of Brazil of the substitution and shall notify the permit holder in writing that he is authorized to make the substitution no earlier than 30 days subsequent to the date of the letter of authorization. The letter authorizing the substitution shall be carried aboard the substitute vessel by the master or other person in charge of the vessel. The vessel displaced by the substitution shall not be permitted to fish within the agreement area later than 30 days after the date of the letter authorizing the substitution. A permit holder may make as many substitutions as he desires, except that a vessel removed from the agreement area by substitution shall not be a substitute for another vessel during the same period.

(e) Failure of any permit holder to timely submit the reports under paragraph (d) or (d)(1) of this section may result in withdrawal of any or all permits held by him and the denial of the right

area. From the number of vessels so estimated by all of the permit holders, the Regional Director will determine the number of vessels each permit holder will be allowed to employ in the agreement area during the applicable period. The number of vessels which each permit holder will be allowed to employ in the agreement area (either quarterly or at any one time) shall be determined by the following mathematical formula:

to fish within the area of agreement. In lieu of the penalty herein provided, the Regional Director, at his discretion may determine the maximum number of vessels that shall be employed in the agreement area by each permit holder failing to timely file the required reports and shall determine the UB number of each vessel which is to be excluded from fishing in the agreement area.

§ 245.11 Procedure for hearings under §§ 245.4 and 245.9(c).

(a) The applicant or permit holder, as the case may be, shall be given written notice by registered or certified mail, return receipt requested, of any proposed action under §§ 245.4 or 245.9(c). Such notice shall:

(1) specify the action proposed to be taken along with a summary of the reasons therefor;

(2) advise the applicant or permit holder that he is entitled to a hearing thereon, if a written request for such a hearing is received by the Regional Director within 10 days after receipt of the aforesaid notice or such other date as may be specified in the notice to the applicant or permit holder. The time and place for the hearing, if requested by the applicant or permit holder, shall be determined by the Regional Director and written notice thereof given to the applicant or permit holder by registered or certified mail, return receipt requested, not less than 15 days prior to the date of the hearing specified. The applicant or permit holder may appear in person or by counsel at such hearing or in lieu of a personal appearance may submit such affidavits or depositions as he deems necessary in support of his position. An applicant, permit holder, or counsel may

submit all relevant material, data, views, comments, witnesses, arguments, or exhibits at the hearing. A summary record shall be kept of any such hearing.

(b) The Regional Director shall make a decision regarding the applicant or permit holder as soon as practicable after the close of the period during which a hearing could have been requested.

(c) Notice of the decision of the Regional Director shall be mailed by registered or certified mail, return receipt requested, to the applicant or permit holder.

(d) The decision of the Regional Director shall become the decision of the Director and shall be effective, final, and binding fifteen (15) days after the date postmarked unless within this fifteen (15) day period the applicant or permit holder appeals the decision of the Regional Director to the Director. If the applicant or permit holder requests an appeal he shall include along with such request such evidence or arguments as he believes necessary for the Director to act on his appeal. If necessary the Director may allow additional time for the submission of evidence or arguments by the applicant or permit holder. The Director shall make a decision upon the appeal as soon as practicable. Notice of the decision of the Director shall be mailed by registered or certified mail, return receipt requested, to the applicant or permit holder. The Director's decision shall be effective the date postmarked and shall be final and binding.

Subpart B—Hearings Involving Civil Penalties Under § 245.9(a) and § 245.9(b)

§ 245.20 Notice of proposed assessment; opportunity for hearing.

(a) Prior to the assessment of a civil penalty pursuant to § 245.9 (a) or (b), a notice of proposed assessment issued by the Director shall be served personally or by registered or certified mail, return receipt requested, upon the vessel owner, master or other person in charge of a vessel believed to be subject to a penalty (the "respondent"). The notice shall contain:

- (1) A concise statement of the facts believed to show a violation;
- (2) A specific reference to the provisions of the Act, regulations, or permit allegedly violated; and
- (3) The amount of penalty proposed to be assessed.

The notice shall inform the respondent that he has 20 days from receipt of the notice in which to request a hearing or to waive it. The request or waiver shall be in writing and addressed to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. The notice shall further inform the respondent that if he does not respond to the notice within the 20 days allowed, he shall be deemed to have waived his right to a hearing and to have consented to the making of an assessment without a hearing.

(b) With his request for a hearing or with his written waiver of a hearing, the respondent may submit objections to the

proposed assessment. He may deny the existence of the violation or ask that no penalty be assessed or that the amount be reduced. The respondent must set forth in full all facts supporting his denial of the alleged violation or his request for relief.

§ 245.21 Waiver of hearing; assessment of penalty.

(a) If a written waiver of a hearing is timely made, or if a hearing is deemed to have been waived as provided in § 245.20(a), the Director shall proceed either to make an assessment of a civil penalty or to rescind the proposed assessment, taking into consideration such showing as may have been made by respondent pursuant to § 245.20(b). Such action shall become the final administrative decision of the Secretary when rendered and any civil penalty assessed shall be collected in accordance with § 245.30. Notice of such final decision shall be promptly sent to the respondent by registered or certified mail, return receipt requested.

(d) If, despite the waiver of a hearing, the Director believes that there are material facts at issue which cannot otherwise be satisfactorily resolved, he may refer the case to an administrative law judge as provided in § 245.22.

§ 245.22 Appointment of Administrative Law Judge and Agency Representative; Notice of hearing.

(a) If a written request for a hearing has been timely made, or the Director determines, pursuant to § 245.21(b), that a hearing should be held, the case shall be assigned to an administrative law judge appointed pursuant to 5 U.S.C. 3105. Written notice of the assignment shall promptly be given to the respondent by the Director, together with the name and address of the person who will present evidence on behalf of the Secretary at the hearing (the agency representative), and thereafter all pleadings and other documents shall be filed directly with the administrative law judge, with a copy served on the agency representative or the respondent as the case may be.

(b) The Director shall deliver to the administrative law judge a copy of the notice of proposed assessment, and response to the respondent thereto, and other materials deemed relevant to the case and shall furnish to the respondent a copy of any such materials not already in respondent's possession.

(c) The administrative law judge shall promptly cause to be served on the parties notice of the time and place of the hearings, which shall not be less than ten (10) days after service of the notice of hearing except in extraordinary circumstances.

§ 245.23 Failure to appear; official transcript; record for decision.

(a) If the respondent fails to appear at the hearing, he will be deemed to have consented to a decision being rendered on the record made at the hearing.

(b) The Director shall provide the services of an official reporter who shall make the only official transcript of the proceedings. Copies of the official transcript may be obtained from the official reporter upon payment of the charges therefor.

(c) The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision.

§ 245.24 Duties and powers of the Administrative Law Judge.

(a) It shall be the duty of the administrative law judge to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before submission of the case, pursuant to § 245.23, to the Secretary, the administrative law judge shall have authority to:

(1) Rule on offers of proof and receive relevant evidence;

(2) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(3) Regulate the course of the hearing and, if appropriate, exclude from the hearings persons who engage in misconduct, and strike all testimony of witnesses refusing to answer any questions ruled to be proper which are related to such questions;

(4) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(5) Dispose of procedural requests, motions or similar matters and order hearings reopened prior to issuance of the administrative law judge's report and recommendations;

(6) Grant requests for appearance of witnesses or production of documents;

(7) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(8) Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(9) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(10) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place;

(11) Take official notice of any matters not appearing in evidence in the record which are among the traditional matters of judicial notice; or of technical or scientific facts within the general or specialized knowledge of the Department of Commerce as an expert body; or of a document required to be filed with or published by a duly constituted Government body: *Provided*, That the parties shall be given notice, either during the hearing or by reference in the administrative law judge's decision, of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(12) Prepare, serve, and submit his initial decision pursuant to § 245.28;

(13) Take any other action necessary and not prohibited by this section or the Act.

§ 245.25 Appearance of the respondent and the agency representative.

The respondent and the agency representative shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, to conduct oral argument at the close of testimony and to introduce into the record relevant documentary or other evidence, except that the participation of either party shall be limited to the extent prescribed by the administrative law judge.

§ 245.26 Evidence.

All evidence which is relevant, material, reliable, and probative, and not unduly repetitious or cumulative, shall be admissible in the hearing.

§ 245.27 Filing of briefs.

The respondent and the agency representative may submit a brief to the administrative law judge. The original and one copy of such brief shall be filed within 7 days after the close of the hearing, except that the administrative law judge may, for good cause, grant an extension of such time for filing.

§ 245.28 Decisions.

(a) After the close of the hearing and the receipt of briefs, if any, the administrative law judge shall expeditiously prepare an initial decision. The initial decision shall contain findings of fact, conclusions, and the reasons or basis therefor, upon the material issues presented, and shall specifically find whether the respondent committed the violations alleged and, if so, the amount of the civil penalty to be assessed.

(b) The administrative law judge shall cause his initial decision to be served on the respondent and the agency representative within 20 days after the close of the hearing or the receipt of all briefs, whichever is later, and shall forthwith transfer the record in the case to the Secretary through the Director.

(c) Within 10 days of receipt of the initial decision of the administrative law judge, either the respondent or the agency representative may file with the Secretary by serving the Director, an appeal of the initial decision. If no appeal is received within such period, the initial decision shall become the final administrative decision of the Secretary. If an appeal is received within such period, the Secretary shall render a final decision after considering the record and the appeal. Notice of an appeal by either party shall be promptly given in writing to the other party and notice of the Secretary's final decision upon appeal shall be promptly given in writing to both parties.

§ 245.29 Remission, mitigation, or compromise.

For good cause shown, the Secretary may at any time remit, mitigate, or compromise the assessment of a civil penalty

made under the provisions of these regulations.

§ 245.30 Payment of penalty.

The respondent shall have 30 days from receipt of the final assessment decision within which to pay the penalty assessed. Upon a failure to pay the penalty, the Secretary may request the Attorney General to institute a civil action in the appropriate United States District Court to collect the penalty.

§ 245.31 Notice to vessel owner.

The Director shall notify any vessel owner involved in a violation under § 245.6 of the outcome of any proceeding against the master or other person in charge of the vessel.

[FR Doc.76-11586 Filed 4-21-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority To Reflect Establishment of the Position of Deputy Under Secretary for Congressional and Public Affairs

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to reflect the establishment of a new position of Deputy Under Secretary for Congressional and Public Affairs; by revoking the delegations of authority to the Deputy Under Secretary for Congressional Relations; and by revising the delegations of authority to the Under Secretary, as follows:

1. Section 2.15(d) is amended to read as follows:

§ 2.15 Delegations of Authority to the Under Secretary.

(d) *Related to congressional and public affairs.* (1) Exercise responsibility for coordination of all Congressional matters in the Department.

(2) Maintain liaison with the Congress and the White House on legislative matters of concern to the Department.

(3) Advise and counsel general officers on public affair matters of concern to the Department.

2. Section 2.47 is amended to read as follows:

§ 2.47 Deputy Under Secretary for Congressional and Public Affairs.

a. *Delegations.* Pursuant to § 2.15(d), the following delegations of authority are made by the Under Secretary to the Deputy Under Secretary for Congressional and Public Affairs:

(1) Coordinate all Congressional matters in the Department.

(2) Maintain liaison with the Congress and the White House on legislative matters of concern to the Department.

(3) Advise and counsel general officers on public affair matters of concern to the Department.

Effective Date: These amendments shall become effective upon April 22, 1976.

For Subpart C

Dated: April 19, 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

For Subpart E

Dated: April 19, 1976.

JOHN A. KNEBEL,
Under Secretary.

[FR Doc.76-11706 Filed 4-21-76;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U.S. Standards for Grades of Frozen Field Peas and Frozen black-Eye Peas

On January 26, 1976, a document was published in the FEDERAL REGISTER (41 FR 3741) proposing to revise the U.S. Standards for Grades of Frozen Field Peas and Frozen Black-eye Peas.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE REVISION

The revision was requested by the American Frozen Food Institute (AFFI). AFFI requested the Department to develop a statistical procedure for evaluating the quality of frozen field peas and frozen black-eye peas. After its development, the procedure was to be used on a trial basis to substantiate accuracy and workability.

The revision was requested to adapt the U.S. standards to the method of harvesting which is currently being used for field peas and black-eye peas intended for freezing. A large part of the crop is harvested with mechanical field shellers. These shellers remove the peas from the pods at the growing site and return the pods to the soil. Shelled peas are then trucked to a specific processing location. At the processing site, the peas are cleaned, washed, sorted, blanched, and frozen either in individual packages or large bins to await packaging at a later date.

Field shelled peas cause problems for producers. The most obvious problem is the loss of green color in the peas. This is because the producer must compromise between optimum tenderness and maximum yield. If the peas are harvested too early, the units are green and tender, but many immature peas are not shelled by the harvester and are returned to the soil. This is a waste of human food. If the peas are harvested too late, the units are not green and are less tender, but the yield of human food is greater.

Other problems occurring with field shelled peas are loss of green color while the peas are being transported to the processing plant, increased damage to the peas in the form of broken peas and loose skins, and increased occurrence of extraneous vegetable material (broken pods, stems, and leaves) inadvertently included with the peas.

Some of these problems can be corrected by mechanical means. Water flotation can be used to remove excessive amounts of broken peas and loose skins. Forced air equipment and vibrating cleaners can be used to remove a large part of the harmless vegetable material. However, hand sorting by wage-earning persons is required to completely remove defects from the shelled peas. The more intense the hand sorting, the more costly the product becomes for the consumer. Therefore, a balance between costs of the peas to the consumer and amount of defects that would be tolerated by the consumer must be established. Some hand sorting would be required, but intense hand sorting would not be practical. In considering the problem of loss of green color during transport, the Department knows of no way, without refrigeration, to overcome the problem. Refrigeration might, again, increase the cost of the product to the consumer and be impractical from an energy conserving standpoint.

In consideration of all of the problems associated with field shelled peas, the Department agreed to draft a proposed revision of the U.S. standards and to study it under actual production conditions. The proposed revision was a statistical procedure. In 1975, four processing locations were selected for the test study. All data, collected during the study, indicated that the proposed revision was workable and accurate.

The proposed revision would make important adjustments in the U.S. standards. It would require fewer peas to be green, change the definition of green, and allow an increase of tender, green, harmless vegetable material to occur in the sample. However, less coarse vegetable material would be allowed.

Interested persons were given 30 days to offer comments, views, data, and arguments in connection with the proposed revision of the U.S. standards. One comment was received.

The comment could neither be interpreted as opposing or supporting the revision. The comment questioned the relationship between appearance of the peas and their nutritional value. It re-

quested that nutritional requirements be established in the U.S. standards.

Provisions for nutritional labeling of processed foods have been established under the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act of the Department of Health, Education, and Welfare (HEW). Some manufacturers of processed foods have established nutritional labeling of their food products and these foods are available to the consumer at retail food distribution points. The consumer is provided with the choice of selecting either nutritionally labeled foods or foods with no nutritional information on the label.

U.S. standards evaluate the food product on the basis of eye-appeal, freedom from defects, maturity and tenderness, freedom from objectionable flavors and odors, palatability, and assign a grade level indicating the relative excellence of these and other factors. Excellence of a food product based on its eye-appeal to the consumer and the nutritional value of the food may or may not be related. A nutritionally acceptable food may be objectionable because of poor flavor and odor, lack of tenderness, dull appearance, or other factors. Yet, another food may be nutritionally acceptable and possess a high level of desirable traits which the consumer demands.

The U.S. standards, although not nutritional standards, give the consumer a grade level which indicates the probable worth of the food product based on its relative freedom from undesirable characteristics. Buyers and sellers can use the grade level to establish a price for the food based on its quality and acceptability to the ultimate user—the consumer.

After due consideration of the one comment to the proposed revision of the U.S. standards and the absence of any formal comments objecting to the revision, the Department concludes that the U.S. standards should be revised and made available for the 1976 crop of field peas and black-eye peas.

Accordingly, the United States Standards for Grades of Frozen Field Peas and Frozen Black-eye Peas are revised as set forth in the FEDERAL REGISTER of January 26, 1976 (41 FR 3741).

Effective date. This revision shall become effective May 24, 1976.

The revision is as follows:

Subpart—United States Standards for Grades of Frozen Field Peas and Frozen Black-eye Peas

| Sec. | |
|---------|--|
| 52.1661 | Product description. |
| 52.1662 | Styles. |
| 52.1663 | Types. |
| 52.1664 | Definitions of terms. |
| 52.1665 | Sample unit size. |
| 52.1666 | Grades. |
| 52.1667 | Factors of quality. |
| 52.1668 | Classification of defects and grade compliance. |
| 52.1669 | Classification of color and grade compliance. |
| 52.1670 | Determining flavor, odor, presence of grit, maturity, tenderness, and texture. |
| 52.1671 | Lot acceptance for style. |
| 52.1672 | Sample size. |
| 52.1673 | Lot acceptance for quality. |
| 52.1674 | Defect tally. |

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.1661 Product description.

"Frozen field peas" and "frozen Black-eye peas", called "frozen peas" in these standards, means the frozen product prepared from clean, sound, fresh, seed of proper maturity of the field pea plant (*Vigna sinensis*), by shelling, sorting, washing, blanching, and properly draining. The product is frozen and maintained at temperatures necessary for preservation. "Frozen peas" may contain succulent, unshelled pods (snaps) of the field pea plant as an optional ingredient used as a garnish.

§ 52.1662 Styles.

- (a) "Frozen peas".
- (b) "Frozen peas with snaps".

§ 52.1663 Types.

(a) *Single type.* Frozen peas that have distinct similarities of color and shape for the type are not considered "mixed". Single types include, but are not limited to, the following:

- (1) "Black-eye peas" or other similar varietal types, such as "Purple-hull peas", that have a light-colored skin, a definite eye (contrasting color around the hilum), and are bean shaped;
- (2) "Crowder peas" of various groups, such as "Brown Crowder", that are nearly round in shape and have blunt or square ends;
- (3) "Cream peas" of various groups, including "White Acre", that have a solid cream-colored skin and are generally bean shaped; and
- (4) "Field peas" means any varietal group or type of the field pea plant that has similar color and shape characteristics and includes "Black-eye peas", "Crowder peas", and "Cream peas".

(b) *Mixed type.* Frozen peas that are a mixture of two or more distinct single varietal groups or are not distinguishable as a single varietal group shall be considered "mixed" type.

§ 52.1664 Definitions of terms.

(a) *Absolute limit (AL).* The maximum number of defects; or the minimum number of "color attributes" permitted in a sample unit.

(b) *Acceptable quality level (AQL).* The maximum percent defective, or the maximum number of defects per hundred units; minimum percent "color attributes", or the minimum number of "color attributes" per hundred units, that, for purposes of acceptance sampling inspection, can be considered satisfactory as a process average.

(c) *Blemished.* "Blemished" means discolored, spotted, or damaged by any means to the extent that the appearance or eating quality is materially affected.

(d) *Broken.* "Broken" means the skin or portions of the skin, the cotyledon or portions of the cotyledon, have become separated from the unit. "Broken" is not applicable to "snaps" in the style of "frozen peas with snaps".

(e) *Character.* "Character" refers to the maturity and tenderness of the frozen

peas, including snaps. Character is determined after cooking the product by the "cooking procedure" described in § 52.1670.

(1) *Good character.* The units are tender and in a reasonably young stage of maturity and are practically uniform in texture and tenderness.

(2) *Reasonably good character.* The units are reasonably tender and in a fairly young stage of maturity and may be variable in texture and tenderness; and the cotyledons may be mealy or firm but are not hard.

(f) *Defect.* Any nonconformance with a specified requirement. Defects are classified as "minor", "major", "severe", or "critical".

(g) *Deviant.* As applied to these standards, "deviant" means a sample unit that fails the requirements for the prerequisite factors of overall appearance, flavor and odor, freedom from grit, character, and freedom from broken peas; Provided: That such sample unit is not more than one grade below the intended or indicated grade.

(h) *Dissimilar varieties.* In single types only, peas that are of markedly different varietal colors and/or shapes. "Dissimilar varieties" is not applicable to snaps in the style of "frozen peas with snaps".

(i) *Harmless extraneous vegetable material.*

(1) In the style of "frozen peas":

(i) *Class 1—Hulls or pieces of unshelled pods (snaps), leaves, small tender stems, or other similar vegetable material; and*

(ii) *Class 2—Coarse, fibrous units of vegetable material which are harmless.*

(2) In the style of "frozen peas with snaps":

(i) *Class 1—Leaves, small tender stems, or other similar vegetable material, except "snaps"; and*

(ii) *Class 2—Coarse, fibrous units of vegetable material which are harmless.*

(j) *Flavor and odor.*

(1) *Good flavor and odor.* The product, after cooking, has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) *Reasonably good flavor and odor.* The product, after cooking, may be lacking in good flavor but is free from objectionable flavors and objectionable odors of any kind.

(k) *Grit.* Sand, silt, or other earthy materials.

(l) *Sample.* The number of sample units to be used for inspection of a lot.

(m) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(n) *Shriveled.* A unit that is seriously wrinkled in appearance, excluding "snaps".

(o) *Snap.* A succulent, unshelled pod of the field pea or Black-eye pea plant.

(p) *Unit.* Any individual frozen pea; or any individual succulent, unshelled pod.

§ 52.1665 Sample unit size.

Compliance with requirements for all factors of quality is based on the following sample unit sizes:

(a) "White Acre"—5 ounces (141.75 grams).

(b) All other types—10 ounces (283.5 grams).

§ 52.1666 Grades.

(a) "U.S. Grade A" is the quality of frozen peas that:

(1) Meets the following prerequisites (with deviants as specified in § 52.1673 (a)):

(i) Has a bright overall appearance;

(ii) Has a good flavor and odor;

(iii) Is practically free from grit;

(iv) Has a good character;

(v) Weight of broken peas does not exceed 0.25 ounce (7.1 grams) for "White Acre" peas and does not exceed 0.25 ounce (7.1 grams) for "White Acre" peas and does not exceed 0.5 ounce (14.2 grams) for all other types; and

(2) Is within the limits for defects as classified in Table I and specified in Tables II and III.

(b) "U.S. Grade B" is the quality of frozen peas that:

(1) Meets the following prerequisites (with deviants as specified in § 52.1673 (a)):

(i) Has an overall appearance that may be dull but is not off-color;

(ii) Has a reasonably good flavor and odor;

(iii) Is practically free from grit;

(iv) Has a reasonably good character;

(v) Weight of broken peas does not exceed 0.5 ounce (14.2 grams) for "White Acre" peas and 1 ounce (28.35 grams) for all other types; and

(2) Is within the limits for defects as classified in Table I and specified in Tables II and III.

(c) "Substandard" is the quality of frozen peas that fail to meet the requirements for U.S. Grade B.

§ 52.1667 Factors of quality.

(a) The grade of a sample of frozen peas is based on compliance with the prerequisites specified in § 52.1666 and with limits for the following quality factors:

(1) Dissimilar varieties;

(2) Harmless extraneous vegetable material;

(3) Blemished units;

(4) Shriveled units; and

(5) Color attributes.

§ 52.1668 Classification of defects and grade compliance.

(a) Defects are classified as "minor", "major", "severe", or "critical". Each "X" mark in Table I represents "one defect".

(b) Classification of defects:

TABLE I

| Quality factors | Defects | Classification | | | |
|---|----------------------------------|----------------|-------|--------|----------|
| | | Minor | Major | Severe | Critical |
| Dissimilar varieties. | Each unit ¹ | X | | | |
| Harmless extraneous vegetable material. | Class 1 (each unit) ² | | | X | |
| | Class 2 (each unit) | | | | X |
| Blemished. | Each unit | | X | | |
| Shriveled. | do. | X | | | |

¹ Not applicable to "mixed" types.

² Not applicable to "snaps" in the style of "frozen peas with snaps."

(c) Grade compliance:

TABLE II

| Absolute limit (AL) | Maximum defects permitted | | | | | | | |
|---|---------------------------|-------|--------|----------|--------------------|-------|--------|----------|
| | 67 | 32 | 5 | 2 | 100 | 40 | 9 | 4 |
| Number of sample units | Grade A | | | | Grade B | | | |
| | Total ¹ | Major | Severe | Critical | Total ¹ | Major | Severe | Critical |
| In the total sample | | | | | | | | |
| 1. | 60 | 26 | 3 | 0 | 91 | 42 | 6 | 2 |
| 2. | 114 | 48 | 6 | 1 | 174 | 77 | 11 | 3 |
| 3. | 167 | 69 | 8 | 2 | 256 | 113 | 15 | 5 |
| 4. | 219 | 90 | 10 | 2 | 337 | 147 | 19 | 6 |
| 5. | 271 | 110 | 11 | 3 | 417 | 182 | 22 | 7 |
| 6. | 322 | 131 | 13 | 4 | 497 | 216 | 26 | 8 |
| 7. | 373 | 151 | 15 | 4 | 577 | 250 | 30 | 9 |
| 8. | 425 | 171 | 17 | 4 | 657 | 284 | 33 | 10 |
| 9. | 476 | 192 | 19 | 4 | 736 | 318 | 37 | 11 |
| 10. | 526 | 212 | 20 | 5 | 816 | 352 | 41 | 11 |
| 11. | 577 | 232 | 22 | 5 | 895 | 385 | 44 | 12 |
| 12. | 628 | 252 | 24 | 5 | 974 | 419 | 48 | 13 |
| 13. | 679 | 272 | 25 | 6 | 1,053 | 452 | 51 | 14 |
| 14. | 729 | 291 | 27 | 6 | 1,132 | 486 | 55 | 15 |
| 15. | 780 | 311 | 29 | 6 | 1,211 | 519 | 58 | 16 |
| 16. | 831 | 331 | 30 | 7 | 1,290 | 553 | 62 | 17 |
| 17. | 881 | 351 | 32 | 7 | 1,369 | 586 | 65 | 18 |
| 18. | 931 | 371 | 33 | 7 | 1,447 | 619 | 69 | 19 |
| 19. | 981 | 390 | 35 | 7 | 1,526 | 653 | 72 | 19 |
| 20. | 1,032 | 410 | 37 | 8 | 1,605 | 686 | 76 | 20 |
| 21. | 1,082 | 430 | 38 | 8 | 1,683 | 719 | 79 | 21 |
| Acceptable quality level (AQL) ² | 7.0 | 2.70 | 0.20 | 0.05 | 11.0 | 4.60 | 0.45 | 0.10 |

¹ Total = Minor + major + severe + critical.

² Based on an average count of 1,400 units for "white acre" peas and 700 units for all other types per 10 oz. packages.

§ 52.1669 Classification of color and grade compliance.

(a) *General.* The requirement for "color attributes" is applicable for Grade A classification only. "Color attributes" does not apply to units of "snaps" in the style of "frozen peas with snaps."

(b) *Color attributes.* "Color attributes" are defined as follows:

(1) "Black-eye peas" and other similar varietal types—Each unit that has an obvious green color.

(2) "Crowder peas"—Each unit with a color that is characteristic of very young peas.

(3) "Cream peas"—Each unit that has an obvious green color.

(4) "Field peas" and "mixed types"—Each unit with a color that is characteristic of very young peas.

(c) *Compliance.* For the purposes of determining compliance with the requirements of Grade A color, the applicable varietal type shall meet the acceptance numbers for color attributes in Table III.

TABLE III

| Absolute limit (A.L.) | Minimum number permitted | |
|--|--|------------------------------------|
| | 73 | 119 |
| Number of sample units | Black-eye peas, cream peas, field peas, and mixed types (color attributes) | Crowder peas (color attributes) |
| | In the total sample | |
| 1 | 84 | 133 |
| 2 | 175 | 276 |
| 3 | 268 | 421 |
| 4 | 362 | 566 |
| 5 | 456 | 712 |
| 6 | 551 | 859 |
| 7 | 646 | 1,005 |
| 8 | 741 | 1,151 |
| 9 | 837 | 1,301 |
| 10 | 932 | 1,448 |
| 11 | 1,028 | 1,596 |
| 12 | 1,124 | 1,744 |
| 13 | 1,220 | 1,892 |
| 14 | 1,315 | 2,040 |
| 15 | 1,411 | 2,188 |
| 16 | 1,508 | 2,336 |
| 17 | 1,604 | 2,485 |
| 18 | 1,700 | 2,633 |
| 19 | 1,796 | 2,782 |
| 20 | 1,892 | 2,930 |
| 21 | 1,989 | 3,079 |
| Acceptable quality level (AQL) ¹ | 14.0 | 21.50 |

¹ Based on an average count of 1,400 units for "white acre" peas and 700 units for all other types per 10 oz package.

§ 52.1670 Determining flavor, odor, presence of grit, maturity, tenderness, and texture.

(a) *General.* The cooking procedure is used to determine compliance with the requirements for flavor, odor, presence of grit, maturity, tenderness, and texture.

(b) *Cooking procedure.* Place 10 ounces (283.5 grams) of thawed product in a 2 quart (1.9 liter) sauce pan containing 400 milliliters of tap water (without the addition of salt) that has been brought to a boil. Continue to heat rapidly until the water begins to boil again. Cover the pan and boil for 40 minutes, reducing the heat to maintain a constant boil. Immediately after cooking, pour the product on to a flat receptacle and spread out to cool. The product should be evaluated for flavor, odor,

presence of grit, maturity, tenderness, and texture while warm.

§ 52.1671 Lot acceptance for style.

In the style of "frozen peas with snaps," the number of sample units that contain less than 3 snaps or more than 10 percent, by weight, of snaps shall not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.38).

§ 52.1672 Sample size.

(a) *General.* The sample size to determine compliance with requirements for prerequisites specified in § 52.1666 for other quality factors, shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.38) for Lot Inspection or on-line inspection, as applicable.

(b) *Deviant.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section apply only to the prerequisite factors specified for the grade in § 52.1666. They do not apply to the quality factors covered by the sampling plans in § 52.1668 and § 52.1669.

§ 52.1673 Lot acceptance for quality.

A lot of frozen peas is considered as meeting the requirements for quality if:

(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.1666 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.38).

(b) The values permitted and the AL values for the applicable defect classifications specified in Tables II and III are not exceeded.

§ 52.1674 Defect tally.

Defect tally for frozen field peas and frozen black-eye peas

| | | | | | |
|--|--|-------|-------|--------|----------|
| No. size, and kind of container | | | | | |
| Label | | | | | |
| Container mark | | | | | |
| Net weight | | | | | |
| Sample unit No. | | | | | |
| Prerequisite grade | | | | | |
| Reason downgraded | | | | | |
| | | | | | |
| Defect | | Minor | Major | Severe | Critical |
| Dissimilar varieties | | | | | |
| Blemished | | | | | |
| Shriveled | | | | | |
| Harmless extraneous vegetable material | | | | | |
| Total (each class) | | | | | |
| Cumulative total (each class) | | | | | |
| Total (all classes) | | | | | |
| Cumulative total (all classes) | | | | | |
| Color | | | | | |
| Total (sample unit) | | | | | |
| Cumulative total (sample) | | | | | |

Dated: April 16, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 76-11479 Filed 4-21-76; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 377]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 23-29, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season

average returns to the parity price for Navel oranges.

§ 907.677 Navel Orange Regulation 377.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from Dis-

trict 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(1) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues soft, with no anticipated improvement. Prices f.o.b. averaged \$3.11 a carton on a reported sales volume of 1,336 cartons last week, compared with an average f.o.b. price of \$3.11 per carton and sales of 1,324 cartons a week earlier. Track and rolling supplies at 674 cars were up 72 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1976.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 23, 1976, through April 29, 1976, are hereby fixed as follows:

- (i) District 1: 1,107,000 cartons;
 - (ii) District 2: 243,000 cartons;
 - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 21, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-11943 Filed 4-21-76; 12:30 pm]

[959.316 Amdt. 3]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation

This amendment permits onions to be packed and loaded for export on Sunday, April 18 and April 25, 1976.

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information.

During the last half of April, it is anticipated that there will be one or more exports of South Texas onions. This amendment is necessary to provide the time for handlers to pack and load the requested quantity of onions for export when such activities would otherwise be prohibited. Current regulations prohibit packing and shipping on Sundays.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not re-

quire any special preparation on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

Regulation, as amended. In § 959.316 (41 FR 4252, 13930, 15831) the introductory paragraph is hereby amended to read as follows:

§ 959.316 [Amended]

During the period March 8-June 12, 1976, no handler may package or load onions on any Sunday, except March 28, April 18, and April 25, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the assessment requirements of § 959.216 and the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section except the grade and size requirements of paragraphs (a) and (b) and the Sunday packaging prohibition shall terminate at 11:59 p.m. on May 8, 1976.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. Issued April 16, 1976, to become effective upon issuance.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-11663 Filed 4-21-76; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[1975 Crop Rice Loan and Purchase Program, Amendment 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1975 Crop Rice Loan and Purchase Program; Maturity of Loans

The regulations issued by Commodity Credit Corporation (CCC) and published at 40 FR 3067, July 21, 1975, which set forth specific requirements with respect to loans and purchases for the 1975 crop of rice are hereby amended to change the loan maturity date. It is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment because the current maturity date is April 30, 1976. It is essential that producers be advised of this change as soon as possible in order for such producers to plan their marketing of 1975 rice. Therefore, Section 1421.327 is amended to provide for the extension of the maturity dates of

RULES AND REGULATIONS

loans to producers who enter into agreements with CCC to extend the maturity date. The revised section reads as follows:

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1976, except that by written agreement between CCC and a producer, the loan maturity date may be extended to May 31, 1976.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note and 1421))

Effective date: This amendment shall be effective for all loans made on the 1975 crop of rice.

Signed at Washington, D.C., on April 16, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-11703 Filed 4-21-76;8:45 am]

[Specifications for Bale Packaging Materials
Used in Wrapping Cotton]

PART 1427—COTTON

**Specifications for Bale Packaging
Materials; Correction**

In Federal Register Document 76-4855, appearing at page 7755 in the FEDERAL REGISTER of Friday, February 20, 1976, the following changes should be made:

1. On page 7756, paragraph (f) (1) (ix) of § 1427.1903 is corrected in the fifth line of that subdivision by changing the eighth word "head", to the word "heat".

2. On page 7757, paragraph (g) (2) (1) of § 1427.1903 is corrected in the first line of that subdivision by changing the word "crystallizing", to the word "crystalline".

Dated: April 16, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-11702 Filed 4-21-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Proposed Operation and Maintenance Rates

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, Sections 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1976 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignace, Montana, 59865, on or before May 24, 1976.

1. Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of \$5.00 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and thirty-three cents (\$3.33) per acre foot or fraction thereof.

2. Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of \$5.11 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to one and one-tenth acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and forty-one cents (\$3.41) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of \$6.92 per acre, for the season of 1976 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of four dollars and sixty-one cents (\$4.61) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc. 76-11590 Filed 4-21-76; 8:45 am]

Bureau of Land Management

[43 CFR Part 2640]

AIRPORT GRANTS

Conveyance of Public Lands for Airport Purposes

The purpose of this amendment is to implement Section 23 of the Airport and Airway Development Act of May 21, 1970 (84 Stat. 232, 49 U.S.C. 1723). Section 23 of this Act provides for conveyance of public lands to public agencies for airport purposes. Similar conveyances were formerly authorized by Section 16 of the Act of May 13, 1946 (49 U.S.C. 1115), which has been repealed.

In accordance with the Department's policy on public participation in rule-making (36 F.R. 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until May 24, 1976.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Part 2640 of Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

PART 2640—AIRPORT GRANTS

Subpart 2640—Airport and Airway Development Act of 1970

- Sec.
2640.0-1 Purpose
2640.0-2 Objectives
2640.0-3 Authority
2640.0-5 Definitions
2640.0-7 Cross reference

Subpart 2641—Procedures

- 2641.1 Request by Secretary of Transportation for transfer of property interest
2641.2 Action on the request
2641.3 Publication and Posting
2641.4 Approval of Transfer

Subpart 2640—Airport and Airway Development Act of 1970

§ 2640.0-1 Purpose.

To implement Section 23 of the Airport and Airway Development Act of 1970.

§ 2640.0-2 Objectives.

To provide procedures for cooperating with the Department of Transportation in processing applications for land for airport and airway development.

§ 2640.0-3 Authority.

Authority for conveyances found under this part is found in Section 23 of the Airport and Airway Development Act of 1970 (Title I, Act of May 21, 1970; 84 Stat. 232; 49 U.S.C., 1723) (hereafter called the "Act").

§ 2640.0-5 Definitions.

As used in the regulations in this Part, the following terms shall have the meaning indicated unless the context requires otherwise:

(a) *The Act* means the Airport and Airway Development Act of 1970 (Title I, Act of May 21, 1970, 84 Stat. 219; 49 U.S.C. 1701, et seq.).

(b) *Secretary of the Interior* means the Secretary of the Interior or his duly authorized representative.

(c) *Director* means the Director of the Bureau of Land Management or his duly authorized representative.

(d) *Applicant* means any public agency as defined in 14 CFR 154.3, which, either individually or jointly with one or more other such public agencies, submits to the Secretary of Transportation, an application requesting that public lands or interests therein, be transferred to such applicant under the Act.

(e) *Property interest* means the title to or any other interest in land or any easement through or other interest in air space.

(f) *Instrument of transfer* includes a patent, deed, lease or other instrument transferring a property interest.

§ 2640.0-7 Cross reference.

The regulations of the Federal Aviation Administration under this Act are found in 14 CFR, Part 154.

Subpart 2641—Procedures

§ 2641.1 Request by Secretary of Transportation for transfer of property interest.

Each request under the Act by the Secretary of Transportation in behalf of the applicant for the transfer of a property interest in public lands or other federally owned lands under the jurisdiction of the Department of the Interior shall be addressed to the Secretary of the Interior, Attention: Bureau of Land Management, shall be in duplicate, and shall contain the following:

(a) A copy of the application filed by the requesting public agency with the Secretary of Transportation, pursuant to 14 CFR 154.7, including environmental considerations.

(b) A description of the land, if surveyed, by legal subdivisions, specifying section, township, and range. Unsurveyed land shall be described by metes and bounds with a tie to a corner of the public-land surveys if within two miles; otherwise a tie shall be made to some prominent topographic feature and the approximate latitude and longitude shall be given when practicable.

§ 2641.2 Action on Request.

Upon receipt of the application, the Secretary of the Interior shall determine if the lands or interest in the lands requested qualify for transfer under the Act, and shall determine whether the requested conveyance is inconsistent with the needs of the Department. The Secretary will notify the Secretary of Transportation of his decision within a period of four months after receipt of the application from the Secretary of Transportation.

§ 2641.3 Publication and Posting.

Before a transfer of fee title to public lands is made, the Bureau of Land Management will require the applicant to publish, at its own expense in a newspaper of general circulation in the coun-

ty in which the land is situated, a notice stating that a request has been made by Secretary of Transportation on behalf of the applicant (giving its name and address) to acquire title to public lands (describing them) under the Act, for the purpose of carrying out a project under the Act, or for the operation of a public airport, as the case may be. The purpose of this notice is to give any party to the case who is adversely affected by the decision an opportunity to appeal and any person who has an objection to the action proposed to be taken the opportunity to protest. An appeal or protest must be filed within 30 days after the date of the first publication pursuant to Part 4, subpart E of this title. If the notice is published in a daily paper, the notice should be published for four consecutive weeks, if a weekly, in four consecutive issues, and if a semiweekly or triweekly, in any of the issues once each week for four consecutive weeks. The notice will also be posted during the entire period of publication in the proper office (see § 1821.2-1 of this chapter). No transfer will be made until proof of publication and posting of the notice has been filed.

§ 2641.4 Approval of transfer.

Each instrument of transfer made hereunder of fee title or a lesser estate in the lands shall contain the covenants, terms and conditions requested by the Secretary of Transportation, as well as those required for the protection of the Department of the Interior or any agency thereof.

Each conveyance instrument shall also contain a reverter clause that may be exercised at the option of the Secretary of Transportation, in the event the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. (R.S. 2478, Sec. 1, 45 Stat. 728, as amended; 43 U.S.C. 1201).

Dated: April 15, 1976.

CHRIS FARRAND,
Acting Assistant Secretary
of the Interior.

[FR Doc. 76-11602 Filed 4-21-76; 8:45 am]

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Proposed Waiver of Moratorium on the Polar Bear, Sea Otter, and Pacific Walrus Correction

In FR Doc. 76-10213 appearing at page 15166 in the issue of Friday, April 9, 1976 the following changes should be made:

Footnote 1 appearing under the first column on page 15166, and footnote 2 appearing under the first column on page 15167, should read "41 FR 15173, April 9, 1976."

The last line of the third paragraph from the bottom of the second column on page 15166, now reading "a State desires to establish a marine", should read

"a State desires to establish a marine mammal conservation program."

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Limitations of Handling

This notice invites comments relative to proposed amendment of rules and regulations established pursuant to Marketing Order No. 930. Such amendment would delete reference to Hartford, Michigan, as the Board office, and the date March 1 of each fiscal year as the deadline for producers to submit information to the Board in order to be eligible to divert cherries.

Said rules and regulations, (Subpart—Rules and Regulations; 7 CFR Part 930.101-930.161) currently are in effect pursuant to Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This proposed amendment of the rules and regulations was unanimously recommended by the Cherry Administrative Board, established under said order as the agency to administer the terms and provisions thereof.

The proposal would eliminate the requirement that producers file certain information with the Board by March 1 of each fiscal year to be eligible to divert cherries. The Board has determined that its purposes would be served if the information is made available by the time application is made for diversion. Currently each producer who elects to divert cherries is required to submit to the Board not later than July 1 of the current fiscal year, an application to divert cherries. The amendment would permit growers to file the required information by this date.

The proposal would also require handlers to submit a written report to the Board, showing the total amount of cherries received for processing not later than 30 days after the date of pack completion, instead of 60 days after pack completion. Previously, processors supplemented the report made 60 days after pack completion by submitting weekly and daily "pack reports." Processors found the frequent reporting to be costly. The Board has determined that a report submitted within 30 days after pack completion would serve its purposes adequately without the supplemental weekly and daily reports.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building,

Washington, D.C. 20250, not later than May 7, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

1. Section 930.101 *Division application* is revised to read as follows:

§ 930.101 Diversion application.

(a) In order for a producer's application for diversion to be eligible for consideration by the Cherry Administrative Board for the forthcoming fiscal year, the producer shall submit to or have on file with the Board the following information:

(i) Name and address of the applicant.

(ii) District or districts in which applicant's orchard sites are located.

(iii) Age of trees, number of rows of trees, number of trees in each row, number of rows in each block and a diagram of each block referencing the compass points.

(iv) Total of applicant's acreage devoted to cherry production with a subtotal for each definable block included in this total.

Such information submitted as above shall not be considered as application for diversion.

(b) Each producer who elects to divert cherries into an outlet as the Board, with the approval of the Secretary may designate as specified in § 930.56, shall prior to such diversion, submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, on forms provided by the Board, an application to divert cherries as required by § 930.56(a)(1). Such application shall be filed with the Board not later than July 1 of the current fiscal year: *Provided*, That, such application for growers who will harvest cherries prior to July 1 of any fiscal year, shall be filed on such earlier date as may be specified by the Board or if not so specified, prior to harvest of such cherries.

2. Section 930.106 *Pack report* is revised to read as follows:

§ 930.106 Pack report.

Each handler, in accordance with § 930.62, shall submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, within 30 days after date of pack completion, a written report of the total amount of cherries received for processing, showing separately the amount of cherries that were first handled.

Dated: April 19, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-11705 Filed 4-21-76; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Parts 1 and 2]

[Docket No. 75N-0375]

**ENFORCEMENT POLICY, PRACTICES,
AND PROCEDURES**

**Informal Hearing Before Report on
Criminal Violation**

Correction

In FR Doc. 76-9879, appearing at page 14769 in the issue of Wednesday, April 7, 1976, the eleventh line of the second paragraph, in the second column on page 14770, now reading "prosecution should be recommended or", should read "prosecution should not be recommended or".

[21 CFR Parts 10 and 700]

[Docket No. 76N-0091]

**CHLOROFORM AS AN INGREDIENT OF
HUMAN DRUG AND COSMETIC PRODUCTS**

Proposed Ban on Use

Correction

In FR Doc. 76-10253, appearing at page 15026 in the issue of Friday, April 9, 1976, the headings should read as set forth above.

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1053]

**APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determination
for the Borough of Dauphin, Dauphin
County, Pennsylvania**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a))) hereby gives notice of his proposed determinations of flood elevations for the Borough of Dauphin, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with flood elevations determined by the Secretary. Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed

PROPOSED RULES

outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, Dauphin National Bank, Allegheny Street, Dauphin.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Clyde R. Kurtz, Jr.,

707 Charles Road, Dauphin, Pennsylvania 17018. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|--------------------|---------------------------|--|--|-------|
| | | | Left | Right |
| Susquehanna River | Corporate limits | 332 | 80 | (1) |
| | Schuylkill St. (extended) | 333 | 90 | (1) |
| | Corporate limits | 334 | 130 | (1) |

¹ Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11498 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1051]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Duboisstown, Lycoming County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Duboisstown, Lycoming County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to

participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Inside Front Glass Doors, Municipal Building, Euclid Avenue and Westland Avenue, Duboisstown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Wilbur R. Forse, Mayor, 287 Edgewood Avenue, Williamsport, Pennsylvania 17701. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|------------------------------------|---|--|--|--------|
| | | | Left | Right |
| West Branch Susquehanna | Arch Street Bridge continuing due south from its juncture with the shoreline. | 535 | (1) | 512 |
| West Branch Susquehanna upstream | Corporate limits | 535 | (1) | *1,200 |
| West Branch Susquehanna downstream | do | 533 | (1) | 160 |
| Mosquito Creek | Penn Central R.R. | 534 | 250 | 32 |
| | Euclid Ave. | 534 | 0 | 500 |

¹ Corporate limit.

* Measured from the North shore of the peninsula.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11496 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1047]

**APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations
for the City of Delbarton, West Virginia**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Delbarton, West Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to partici-

pate in the National Flood Insurance Program, the City of Delbarton must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Delbarton, West Virginia 25670.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Paul Sizemore, City Hall, Delbarton, West Virginia 25670. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width from shoreline or bank of stream—facing downstream—to 100-yr flood boundary (feet) | |
|--------------------|----------------------|---|--|------|
| | | | Right | Left |
| Pigeon Creek | Rockhouse Ave. | 743 | 50 | 150 |
| | U.S. 52 and U.S. 119 | 767 | 100 | 50 |
| Rockhouse Fork | Rockhouse Ave. | 747 | 50 | 150 |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11493 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1049]

**APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determination
for the Town of Chincoteague, Accomack
County, Virginia**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-488), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Chincoteague, Accomack County, Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, Town Hall, 224 North Main Street, Chincoteague.

Any person having knowledge, information, or wishing to make a comment on these determinations should im-

PROPOSED RULES

mediately notify Mayor Wheatley Watson, 224 North Main Street, Chincoteague, Virginia 23339. The period for comment will be ninety days following the second publication of this notice in

a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Area flooded |
|--------------------|--------------|--|----------------|
| Chincoteague Bay | Chincoteague | | 9 All of town. |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11491 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1052]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Dunnstable, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Dunnstable, Clinton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to

participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Office, Township Building, Plum Run, Dunnstable.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert A. Weise, Township Supervisor, R.D. 1, Lock Haven, Pennsylvania 17745. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|--------------------|------------------|--|--|-------|
| | | | Left | Right |
| Susquehanna River | Corporate limits | 559.9 | (1) | 1,800 |
| | L.R. 18042 | 562.8 | (1) | (1) |
| Chatham Run | Corporate limits | 563.2 | (1) | 150 |
| | L.R. 18042 | 559.9 | (1) | (1) |
| | Corporate limits | 559.9 | (1) | 1,400 |

¹ Corporate limits.

² All in flood plain.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11497 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1050]

APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEWProposed Flood Elevation Determination
for the Township of Elizabeth, Allegheny
County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Elizabeth, Allegheny County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order

to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the lobby of the Municipal Building.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Charles J. Carlock, Jr., President of the Board of Commissioners, 522 Rock Run Road, Buena Vista, Pennsylvania 15018. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|------------------------------|---|---|--|-------|
| | | | Left | Right |
| Monongahela River | Atlantic Ave. (extended) | 747 | (1) | 490 |
| | Long St. (extended) | 747 | (1) | 500 |
| Wylie Run | Lovedale Rd. | 784 | 20 | (1) |
| | Mill Hill Rd. | 834 | 20 | 20 |
| | Lovedale Rd. | 845 | 20 | 20 |
| | do. | 859 | 20 | 20 |
| | Jacktown Rd. | 881 | 20 | 20 |
| | Lovedale Rd. | 922 | 20 | 20 |
| Happy Hollow Run | Lovedale Rd. | 766 | 230 | 190 |
| | Sportsman's Club Rd. | 895 | 20 | 25 |
| | Happy Hollow Rd. | 910 | 30 | 100 |
| | do. | 925 | 10 | 30 |
| Hayden Run | Rothey St. | 756 | 20 | 20 |
| | Hayden Blvd (Pa. Route 51) | 777 | (1) | 20 |
| | do. | 790 | (1) | 20 |
| | Pennmant St. | 822 | (1) | 30 |
| | Firden St. | 840 | (1) | 30 |
| | Hayden Blvd. (Pa. Route 51) | 863 | (1) | 30 |
| Youghiogheny River | Corporate limits | 748 | 70 | (1) |
| | Boston Hollow Rd (Pa. Route 48) | 749 | 430 | (1) |
| | St. David Dr. (extended) | 750 | 380 | (1) |
| | Canterbury Dr. (extended) | 750 | 270 | (1) |
| | Stoner St. (extended) | 751 | 430 | (1) |
| | Wide Dr. (extended) | 752 | 430 | (1) |
| | Moran Dr. (extended) | 753 | 450 | (1) |
| | Henderson Rd. (extended) | 759 | 460 | (1) |
| | Cornell Dr. (extended) | 761 | 400 | (1) |
| | Veatch St. (extended) | 761 | 540 | (1) |
| | Rock Run Rd. (extended) | 762 | 750 | (1) |
| | Boyd's Hollow Rd. (extended) | 762 | 760 | (1) |
| | Pittsburgh St. | 766 | 320 | (1) |
| | Corporate limits | 769 | 100 | (1) |
| Boston Hollow Run | W. Smithfield St. | 749 | 140 | 330 |
| | Boston Hollow Rd. (Pa. Route 48) | 823 | 20 | 20 |
| | do. | 828 | 20 | 20 |
| | do. | 879 | 20 | 20 |
| Pidgeon Hollow Run | Yates St. | 749 | 130 | 90 |
| | W. Smithfield St. | 764 | 30 | 10 |
| Pitt St. Tributary | Boston Hollow Rd. | 783 | 20 | 40 |
| Wilcoat Run | Buena Vista Rd. | 762 | 430 | 60 |
| | do. | 781 | 20 | 20 |
| | do. | 797 | 20 | 20 |
| Beyd's Hollow Run | do. | 762 | 200 | 130 |
| | Boyd's Hollow Rd. | 776 | 20 | 20 |
| Douglass Run | Douglass Run Rd. | 766 | 120 | 320 |
| | do. | 791 | 40 | 40 |
| | Scott Hill Rd. | 808 | 100 | 60 |
| | Berdar Dr. | 819 | 80 | 40 |
| | Douglass Run Rd. | 839 | 40 | 80 |
| | do. | 852 | 70 | 20 |
| | Pine View Dr. | 858 | 50 | 30 |
| | Long Hollow Rd. | 862 | 40 | 20 |
| | do. | 942 | 70 | 20 |
| | do. | 967 | 40 | 20 |
| | W. Newton Rd. (Pa. Route 136) | 983 | 10 | 30 |
| Douglass Run Tributary No. 1 | 1,000 feet upstream of Douglass Run Rd. | 805 | 20 | 50 |
| | 2,000 feet upstream of Douglass Run Rd. | 821 | 15 | 15 |
| Douglass Run Tributary No. 2 | W. Newton Rd. (Pa. Route 136) | 965 | 20 | 20 |
| Galespie Run | Pine View Dr. | 969 | 45 | 20 |
| | do. | 978 | 10 | 20 |
| | do. | 1,077 | 10 | 20 |
| | Scenery Dr. | 1,100 | 20 | 20 |

¹ Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11495 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1046]

**APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determinations
for the Town of Gilbert, West Virginia**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Gilbert, West Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order

to participate in the National Flood Insurance Program, the Town of Gilbert must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Gilbert, West Virginia 25621.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Richard Ellis, Box 188, Gilbert, West Virginia 25621. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet) | |
|-----------------------|---------------------|---|--|------|
| | | | Right | Left |
| Guyandotte River..... | Guyandotte Ave..... | 816 | 50 | 0 |
| Stafford Branch..... | State Road 80..... | 822 | 25 | 50 |
| Gilbert Creek..... | Warncliffe Ave..... | 822 | 25 | 100 |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11494 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1049]

**APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEW**

**Proposed Flood Elevation Determination
for the Town of Smithfield, Providence
County, Rhode Island**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Smithfield, Providence County, Rhode Island.

Under these Acts, the Administrator, to whom the Secretary has delegated the

statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Clerk's office, 64 Farnum Street, Smithfield.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Harriet A. Scott, Town Clerk, 64 Farnum Street, Smithfield,

Rhode Island 02917. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the

above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|-----------------------|--------------------|--|--|-------|
| | | | Left | Right |
| Woonasquatucket River | Corporate limits | 116.0 | 80 | 70 |
| | Whipple Ave. | 126.5 | 100 | 290 |
| | Capron Rd. | 168.4 | 40 | 80 |
| | Farnum Pike | 206.1 | 60 | 20 |
| Stillwater River | Pleasant View Ave. | 211.4 | 80 | 110 |
| | Mountaindale Rd. | 222.7 | 50 | 360 |
| | Putnam Pike | 268.9 | 250 | 10 |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 2, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11490 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1048]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Twisp, Okanogan County, Washington

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Twisp, Okanogan County, Washington.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in

identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Clerk's Office, City Hall, Twisp.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Archie Eifert, City Hall, P.O. Box 278, Twisp, Washington 98856. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream | |
|--------------------|------------------------------|--|--|-------|
| | | | Left | Right |
| Methow River | Corporate limits | 1,556 | 740 | (1) |
| | Methow Valley Highway | 1,568 | 120 | (1) |
| | Corporate limits (next) | 1,578 | 100 | 140 |
| | Corporate limits (last) | 1,591 | 1,300 | (1) |
| Twisp River | Confluence with Methow River | 1,584 | (1) | 340 |
| | Division St. | 1,593 | 40 | 30 |
| | Corporate limits | 1,616 | 450 | 920 |

1 Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11492 Filed 4-21-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1054]

APPEALS FROM FLOOD ELEVATION
DETERMINATION AND JUDICIAL REVIEWProposed Flood Elevation Determination
for the Village of Moscow, Clermont
County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of floor elevations for the Village of Moscow, Clermont County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to partici-

pate in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall, Second and Broadway Streets, Moscow.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James C. Flora, Fifth and Broadway Streets, Moscow, Ohio 45153. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 21, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding | Location | Elevation in feet above mean sea level | Width in feet from bank of stream to 100-year flood boundary facing downstream | |
|--------------------|--------------------------|---|--|-------|
| | | | Left | Right |
| Ohio River | Southern corporate limit | 507 | | (1) |
| | Wells St. | 507 | | 2,040 |
| | Northern corporate limit | 507 | | (1) |

¹ Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 2, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11499 Filed 4-21-76;8:45 am]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-069]

DRAWBRIDGE OPERATION REGULATIONS

Menominee River, Wisconsin

At the request of the City of Menominee, Michigan, the Coast Guard is considering revising the regulations for the Ogden-First Street drawbridge across the Menominee River, mile 0.38, Marinette, Wisconsin, to require the draw to open on signal from May 1 through October 31 from 11 p.m. to 7 a.m. if at least 2 hours notice is given. Present regulation requires the draw to open on signal at any time from May 1 through October 31. This is being considered because of infrequent openings during this period (1973-21, 1974-9, 1975-13).

Interested persons may participate in this proposed rule making by submitting

written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before May 25, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.644(a) to read as follows:

§ 117.644 Ogden-First Street Bridge,
Menominee River, Wis.

(a) The draw shall open on signal:

(1) From May 1 through October 31 from 7 a.m. to 11 p.m.

(2) From May 1 through October 31 from 11 p.m. to 7 a.m. if at least 2 hours notice is given.

(3) From November 1 through April 30 if at least 12 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 409, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4).)

Dated: April 15, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Act-
ing Chief, Office of Marine
Environmental and Systems.

[FR Doc.76-11682 Filed 4-21-76;8:45 am]

[46 CFR Part 62]

[CGD 75-078]

MEASUREMENT OF VESSELS

Proposed Rules

The Coast Guard is considering revising the measurement of vessel regulations contained in 46 CFR Subpart 69.03 to implement the provisions of Pub. L. No. 93-524, 93rd Cong., 2d Sess. (December 18, 1974) (46 U.S.C. 77).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 75-078), and give the reasons for any recommendations. All comments received before June 7, 1976 will be considered before final action is taken on this proposal. Copies of all written comments will be available for examination in Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. The proposal may be changed in the light of comments received.

No hearing is planned but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested in writing by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

Congress amended section 4153 of the Revised Statutes (46 U.S.C. 77) to provide for the deduction from gross tonnage, for the purpose of determining a vessel's net tonnage, of:

(1) "Space occupied by machinery used exclusively to separate, clarify, purify, or process a ship's own slop oil mixture, tank-cleaning residue, bilge residue, or other waste materials, including sewage, garbage, galley wastes or trash"; and

(2) "Space occupied by any tank, tanks, or collection area, used exclusively for the carriage or collection of such slop oil mixture tank-cleaning residue, or other waste materials".

The act directs the Coast Guard, in consultation with the Environmental Protection Agency, to issue regulations to:

(1) Define the slop oil mixtures, cleaning residue, and waste materials;

(2) Establish the maximum deductions which may be made; and

(3) Define the manner in which the spaces shall be used and marked.

In consideration of the foregoing, the Coast Guard proposes to amend Sub-

part 69.03 of Title 46 of the Code of Federal Regulations as follows:

1. By adding a new section, § 69.03-78, to read as follows:

§ 69.03-78 Deduction of spaces used for waste materials.

(a) *Definitions of waste materials.* Slop oil mixtures, tank cleaning residues, bilge residues, and other waste materials include:

(1) Liquid wastes resulting from flushing or cleaning the vessel's bilges, fuel tanks, cargo tanks, and propulsion and operating systems.

(2) Residual solid and liquid wastes resulting from cleaning the vessel's bilges, and crew, passenger, cargo, and operating spaces.

(3) Solid and liquid wastes, including sewage, garbage, galley wastes, and trash, generated by the vessel's own cargo, passengers, crew, and operating systems.

(b) *Use and marking of spaces to carry or process waste materials.* In determining a vessel's net tonnage, the following spaces are deducted from the gross tonnage if they meet the use and marking requirements of § 69.03-75(a), (b), and (c) of this subpart are no larger than necessary for the stated purpose:

(1) Space below the upper deck occupied by machinery used exclusively to separate, clarify, purify, or otherwise process a vessel's own—(i) slop oil mixture; (ii) tank-cleaning residue; (iii) bilge residue; or (iv) other waste material.

(2) Space either above or below the upper deck occupied by any tank or collection area used exclusively for the carriage or collection of any such slop oil mixture, tank-cleaning residue, bilge residue or other waste materials generated aboard the vessel.

2. By inserting in § 69.03-75(c) after the introductory clause, "the following markings are required by paragraph (b) of this section:", the following words: "For each space used exclusively for waste materials, as defined in § 69.03-78(a) of this subpart—"Certified for waste storage" or "Certified for waste processing."

(R.S. 4153, as amended, 88 Stat. 1694, 46 U.S.C. 77, 49 CFR 1.4(b) and 1.46).

Dated: April 15, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.76-11680 Filed 4-21-76; 8:45 am]

Federal Aviation Administration

[14 CFR Parts 25 and 91]

[Docket No. 15594; Notice 76-12]

**TRANSPORT CATEGORY AIRPLANES
Proposed Pitot Heat Warning Indicators**

The Federal Aviation Administration is considering amending Parts 25 and 91 of the Federal Aviation Regulations to require a pitot heat warning indicator for the type certification of transport category airplanes having pitot heating

systems and to require within three years the installation of a pitot heat warning indicator in all transport category airplanes equipped with a pitot heating system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before June 21, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

An investigation of a recent accident involving a transport category airplane indicates that ice blocked the pitot head inputs to pressure operated flight instruments and that aberrations in the airspeed trace of that airplane's flight data recorder were caused by closure of the ram air inlet and the drain hole of the pitot. Furthermore, it appears that the pitot heater control switches were not in the "on" position although the pitot heating system was capable of operation.

Other incidents have been reported to the FAA in which pilots of transport category airplanes equipped with pitot heating systems have encountered difficulties because of faulty indications from flight data instrumentation systems, while the airplanes were operating in freezing precipitation. The FAA believes that these incidents occurred because of a lack of pitot heat and that transport category airplanes having pitot heating systems should be equipped with pitot heat warning indicators that provide an effective indication of a lack of pitot heat. Therefore, it is proposed to add a new § 25.1326 to require effective pitot heat warning indicators for the type certification of transport category airplanes equipped with pitot heating systems. Also proposed is a new § 91.50 to prohibit the operation of transport category airplanes having a pitot heating system unless an operable pitot heat warning indicator meeting the standards contained in proposed § 25.1326 is installed and the pitot heating system is operating.

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424) and sec. 8(c) of the Department of Transportation Act (49 U.S.C. 1655 (c))).

In consideration of the foregoing, it is proposed to amend Parts 25 and 91 of the Federal Aviation Regulations as follows:

1. By adding a new § 25.1326 to read as follows:

§ 25.1326 Pitot heat warning indicators.

If a flight instrument pitot heating system is installed, an indicator must be

provided to indicate to the pilot when that pitot heating system is not operating. The indicator must comply with the following requirements:

(a) The indicator must incorporate a red light.

(b) The indicator must be located adjacent to the pilot in command airspeed indicator.

(c) The indicator must be designed to alert the pilot in command if either—

(1) The flight deck pitot heat switch is in the "off" position; or

(2) The pitot tube heating element is inoperative, and the flight deck pitot heat switch is in the "on" position.

(d) The indicator light may be dimmable but may not be extinguishable when the pitot tube heating element is inoperative.

(e) The indicator must function properly at all approved operating altitudes.

2. By adding a new § 91.50 to read as follows:

**§ 91.50 Transport category airplanes—
Pitot heating systems and pitot heat warning indicators.**

(a) After (a date three years after the effective date of the amendment), no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat warning indicator for that system that complies with § 25.1326 of this chapter.

(b) If, during flight, a pitot heat warning indicator required by paragraph (a) of this section indicates that a flight instrument pitot heating system is not functioning, except as provided in paragraph (c) of this section, operations may be continued only to the nearest airfield suitable for landing.

(c) Under paragraph (b) of this section, if the forecasted temperature (or actual temperature if a free air temperature indicator is installed) at all operating altitudes is above 32 degrees Fahrenheit, operations may be conducted to the nearest base at which repairs to the pitot heating system can be accomplished.

Issued in Washington, D.C., on April 14, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-11550 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-NW-11]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Salem, Oregon, Control Zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace

Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before May 24, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

A review of the airspace requirements at Salem, Oregon, disclosed that additional Control Zone airspace is required to provide controlled airspace for flights executing the Salem Localizer Back Course Runway 13 Approach.

In consideration of the foregoing, the FAA proposes the following airspace action:

§ 71.171 [Amended]

In § 71.171 (41 FR 423) the description of the Salem, Oregon, Control Zone is amended to read as follows:

SALEM, OREGON

Within a 5 mile radius of McNary Field, Salem, Oregon, Latitude 44°54'35" N., Longitude 123°00'05" W., and within 2 miles each side of the Salem ILS localizer E course, extending from the 5 mile radius zone to the LOM; within 4 miles each side of the Salem ILS localizer W course, extending from the 5 mile radius zone to 15 miles west of the airport.

(Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(e)).)

Issued in Seattle, Washington, on April 19, 1976.

C. B. WALK,
Director, Northwest Region.

[FR Doc. 76-11549 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Walnut Ridge, Ark., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 24, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the Walnut Ridge, Ark., transition area is amended to read:

WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within three miles each side of the Walnut Ridge VORTAC 244° radial, extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; within 3.5 miles each side of the 005° bearing from the proposed RBN (latitude 36°07'36" N., longitude 90°55'36" W.), extending from the 6.5-mile-radius area to 12 miles north of the RBN; and within a 5-mile radius of the Pothontas Municipal Airport (latitude 36°14'40" N., longitude 90°56'45" W.).

The additional controlled airspace will encompass a proposed nondirectional radio beacon, Runway 17, instrument approach procedure to the Walnut Ridge Regional Airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).)

Issued in Fort Worth, TX, on April 13, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-11578 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-2]

TRANSITION AREA

Proposed Alteration; Withdrawal of Notice

The purpose of this notice is to withdraw Airspace Docket No. 76-SW-2 published in the Federal Register February

26, 1976 (41 FR 8393), in which the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations by altering the Dallas-Fort Worth transition area to provide additional controlled airspace to contain a proposed instrument approach procedure to Grand Prairie, Tex., Municipal Airport. Changing the airport category from VFR operation to IFR operation was also being considered.

Comments were received from interested persons in response to Airspace Docket No. 76-SW-2. The comments did not favor the transition area alteration for the proposed purpose.

Since its establishment as an airport restricted to VFR operation, there have been several proposals to alter the airport. Aeronautical studies have been conducted which included informal airspace meetings, at which users of the airspace and others were in attendance. Studies have also been conducted to determine the effect of changing the airport from VFR operations to IFR operations. The results of the past studies which have been made in conjunction with lengthening the runway or changing the use of the airport from VFR operations to IFR operations have been found to be objectionable from an airspace utilization standpoint. Based on the comments received pertaining to Airspace Docket No. 76-SW-2 and previous studies, the Federal Aviation Administration has determined that changing the Grand Prairie, Tex., Municipal Airport from VFR operations to IFR operations and approving an instrument approach procedure to that airport would severely impact air traffic operating to and from the Dallas-Fort Worth Regional Airport, NAS Dallas, and other airports within the vicinity and would continue to be objectionable from an airspace utilization standpoint. In view of the foregoing, alteration of the Dallas-Fort Worth transition area is not required.

Therefore, the Federal Aviation Administration has decided by this action to withdraw Airspace Docket No. 76-SW-2. The withdrawal does not, however, preclude the Federal Aviation Administration from issuing similar dockets in the future, nor does it commit the FAA to any course of action.

In consideration of the foregoing, the Notice of Proposed Rule Making published in the Federal Register February 26, 1976 (41 FR 8393) and circulated as Airspace Docket No. 76-SW-2, entitled "Alteration of Transition Area," is hereby rescinded.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).)

Issued in Fort Worth, Tex., on April 13, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-11579 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-18]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Lamesa, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 24, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition area is added:

LAMESA, TEX.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Lamesa, Tex., Municipal Airport (latitude 32°45'00", longitude 101°55'00").

The transition area will provide additional controlled airspace to encompass a proposed nondirectional radio beacon, runway 33 (original), instrument approach procedure to Lamesa, Tex., Municipal Airport.

This notice will also serve to apprise airspace users of a proposal to change the airport category from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX., on April 12, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-11576 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-NE-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot transition area at Madison, Connecticut.

The designation of this transition area is proposed to provide controlled airspace protection for aircraft executing a new Instrument Approach Procedure (VOR-A Original) being established to serve the Griswold Airport, Madison, Connecticut.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before May 24, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Madison, Connecticut, proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 add the following transition area:

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the center, (latitude 41°16'17" N., longitude 72°32'58" W.) of the Griswold Airport; within a 7-mile radius of the center of the airport extending clockwise from the 248° bearing to the 102° bearing.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Burlington, Massachusetts, on April 6, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc. 76-11577 Filed 4-21-76; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-40]

SALISBURY

Alteration of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Salisbury transition area described in § 71.181 (41 F.R. 440) would be amended as follows:

"* * * north of the RBN * * *" would be deleted and "* * * north of the RBN: within 3 miles each side of Rowan VOR (latitude 35°38'36" N., longitude 80°31'21" W.) 191° radial extending from the 8-mile radius area to 8.5 miles south of the VOR * * *" would be substituted therefor.

The additional transition area extension is required to provide controlled airspace for aircraft executing a proposed VOR approach to Rowan County Airport. The airport sponsor is planning to establish a nonfederal VOR on the airport to support the instrument approach procedure.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on April 7, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 76-11281 Filed 4-21-76; 8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-SO-29]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a Restricted

Area R-2904 at Camp Blanding Military Reservation, Starke, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 24, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20592. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would designate a restricted area at Camp Blanding, Fla., as follows:

R-2904 STARKE, FLA.

Beginning at Lat. 30°03'30" N., Long. 81°55'40" W., to Lat. 29°58'55" N., Long. 81°55'40" W., to Lat. 29°58'55" N., Long. 82°02'46" W., to Lat. 30°03'30" N., Long. 82°02'46" W., thence to point of beginning. Altitudes. Surface to but not including 1800 feet MSL.

Time of designation. Daily April through August 0800 to 1700 local. 0800 to 1700 local Monday through Friday, September through March. Other times by NOTAM.

Controlling agency. Federal Aviation Administration Jacksonville TRACON Jacksonville, Fla.

Using agency. Department of Military Affairs, State Arsenal, St. Augustine, Fla. 32084.

The proposed restricted area encompasses an area that generally underlies the southwest portion of existing R-2903A. The Florida Army National Guard has a training need to conduct within that area surface firing and ground tactical operations that involve the use of surface-to-air pyrotechnics. If the proposal is adopted the restricted area airspace would be shared with the aviation community on a joint use basis when it is not needed by the military for its intended purpose. Also, adoption of this proposal would be contingent on the revocation of Restricted Area A-2903A and would be concurrent with that action. Revocation of R-2903A is predicated on adoption of the proposal contained in Docket No. 15384; Notice No. 76-3. That docket proposes airspace action that would permit such revocation.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 16, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-11580 Filed 4-21-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-SO-36]

RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate two restricted areas near Tyndall Air Force Base, Fla. The restricted areas would be used to contain BQM-34 drone aircraft during launch and recovery operations. The Department of the Air Force Air Defense Weapons Center (ADWC) has a requirement to conduct these operations at any time. Under adverse weather conditions, when visual monitoring of the drone flight is limited, the operations would constitute a hazard to other flight activities.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. Since advance confirmation of certain military training and testing tentatively scheduled for the Tyndall area is required in the near future and is contingent upon authorization to conduct drone operations within the airspace described herein, weather conditions notwithstanding, early determination of this proposal is necessary and a reduction of the 30 day period normally allowed for public comment is therefore warranted. However, all communications received on or before May 7, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would designate the following restricted areas:

R-2905A TYNDALL AFB, FLA.
Boundaries. Beginning at Lat. 30°01'30" N., Long. 85°32'30" W., to Lat. 30°01'15" N., Long. 85°30'00" W., to Lat. 29°56'00" N., Long. 85°33'00" W., thence 3 nautical miles from and parallel to the shoreline to Lat. 29°59'00" N., Long. 85°36'30" W., to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery, Monday through Friday; occasionally on weekends.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Air Defense Weapons Center Tyndall AFB, Fla.

R-2905B TYNDALL AFB, FLA.
Boundaries. Beginning at Lat. 30°01'15" N., Long. 85°30'00" W., to Lat. 30°01'00" N., Long. 85°27'00" W., to Lat. 29°54'00" N., Long. 85°27'00" W., thence 3 nautical miles from and parallel to the shoreline to Lat. 29°56'00" N., Long. 85°33'00" W., to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery, Monday through Friday; occasionally on weekends.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Air Defense Weapons Center, Tyndall AFB, Fla.

The proposed restricted areas would enable the Air Defense Weapons Center to launch and recover BQM-34 drone aircraft in all weather conditions without imposing a hazard to other flight activities in the area. As evidenced by the proposed times of designation, activation would be limited to the minimum required to execute a launch or recovery and normally would be of short duration. Authorization to operate the drones in all weather conditions would enhance the Air Defense Weapons Center mission support capability and promote cost effectiveness by reducing the necessity to cancel scheduled training due to adverse weather.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 16, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-11581 Filed 4-21-76;8:45 am]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Part 15]

[Docket No. 20746]

RECEIVER CERTIFICATION PROGRAM

**Proposed Revision of Technical
Specifications; Extension of Time**

1. The proceedings in this Docket look to amendment of Part 15 of the Commission's rules to extend receiver certification programs, revise technical

specifications for receivers, and to make certain other changes. These proceedings are related to those in Docket 20120 (41 FR 13375, March 30, 1976), the citizens radio channel expansion proceeding, for which comments are due on May 26, 1976.

2. Because of the interrelatedness of Dockets 20746 and 20120 and the desirability of responding to both proposals in a comprehensive manner, the Citizens Radio Section, Communications Division, Electronic Industries Association, has requested an extension of time for filing of comments in Docket 20746 to May 26, 1976, the same closing date as Docket 20120.

3. In view of the importance of this proceeding and its relationship to the Docket 20120 proceeding and because of the Commission's desire to have the most definitive responses possible, an extension of time to May 26, 1976 for the filing of Original Comments and June 10, 1976 for the filing of Reply Comments is ordered, pursuant to Section 0.251(b) of the Commission's Rules.

Adopted: April 16, 1976.

Released: April 19, 1976.

[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc. 76-11674 Filed 4-21-76; 8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

[29 CFR Part 1404]

ARBITRATION SERVICES

Proposed Regulations

Following two years of intensive review of the Arbitration Services program of the Federal Mediation and Conciliation Service, and based upon the input and advice of the FMCS Arbitration Services Advisory Committee and numerous observations by users of the program, it is proposed to amend Chapter XII of Title 29 of the Code of Federal Regulations by amending Part 1404 to read as set forth below.

This amended Part 1404 contains the Federal Mediation and Conciliation Service's rules concerning the policy of the FMCS Arbitration Services program, standards of eligibility of arbitrators for admission to and retention on the roster, procedures for arbitration services and proceedings, and the procedure for administrative action regarding arbitrators on the roster.

Interested persons are invited to submit comments, data or arguments until May 15, 1976 to: The Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427.

JAMES F. SEARCE,
National Director.

The proposed amended Part 1404 reads as follows:

PART 1404—ARBITRATION SERVICES

Subpart A—General Policy and Standards of Eligibility

- Sec.
1404.1 Arbitration.
1404.2 Standards for admission and retention on the roster.

Subpart B—Procedures for Arbitration Services

- Sec.
1404.10 Procedures for requesting arbitration panels.
1404.11 Arbitrability.
1404.12 Nominations of arbitrators.
1404.13 Appointments of arbitrators.
1404.14 Status of arbitrator and conduct of hearings.
1404.15 Decision and award.
1404.16 Fees and charges of arbitrators.

Subpart C—Procedure for Administrative Action

- Sec.
1404.20 Charge and investigation.
1404.21 Complaint, answer, and request for hearing.
1404.22 Hearing.
1404.23 Decision.
1404.24 Appeal.

AUTHORITY: Sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply Sec. 3, 80 Stat. 250, Sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

Subpart A—General Policy and Standards of Eligibility

§ 1404.1 Arbitration.

(a) The labor policy of the U.S. Government is designed to foster and promote free collective bargaining. Voluntary arbitration is encouraged by public policy and is, in fact, widely utilized by the parties to resolve disputes involving the interpretation or application of collective bargaining agreements. Also, in appropriate cases, voluntary arbitration and factfinding are essential features of free collective bargaining and are desirable alternatives to economic strife in settling and interpreting the terms of a collective bargaining agreement. The parties assume broad responsibilities for the success of the private judicial system they have chosen.

(b) The Federal Mediation and Conciliation Service is sometimes referred to herein as FMCS or the Service and the Office of Arbitration Services of the Service is sometimes referred to herein as OAS. The Service has established the OAS to implement the provisions of this part.

§ 1404.2 Standards for Admission and Retention on the Roster.

(a) It is the policy of the Service to maintain on its roster only those arbitrators who are qualified, who adhere to ethical standards, and who have a demonstrated record of selection by the parties.

(b) Applicants for inclusion on the roster should be able to demonstrate experience, competence, and acceptability in a third-party role in the resolution of labor relations disputes such as mediator, factfinder, or arbitrator. Preferred applicants are those with experience as arbitrators in labor-management matters. Others may be considered who have considerable experience in relevant positions in collective bargaining and have shown growth and stability. All such applicants should have experience in a variety of issues in many industries and bargaining units.

(c) A limited number of admissions to the roster may be made from applicants who do not quite meet the experience qualifications, but participate in

FMCS sponsored or approved orientation and training programs.

(d) All applicants and arbitrators on the roster must be able to demonstrate acceptable ability in analysis, recommendations, and decision writing. Such persons must also be able to conduct a due process hearing in an orderly manner, be physically and mentally equipped to withstand the tensions of an adversary proceeding, and be able to speak in a clear and concise manner.

(e) All applicants and arbitrators on the roster should be recognized as being able to conduct and render fair and impartial proceedings and awards. Accordingly, employees of, advocates for, and consultants to labor or management shall not be eligible for admission to or retention on the roster unless they meet the exceptions noted in subparagraphs (1) and (2) below. An advocate or consultant is defined as one who represents management or labor in matters of labor relations, including but not limited to the subjects of collective bargaining, unfair (labor) practices, equal employment opportunity and other areas generally recognized as constituting labor relations.

(1) Those on the roster who are employees of, advocates for, or consultants to a management or labor organization shall be removed from the roster unless it can be affirmatively shown by the FMCS selection records that such person has a very high degree of acceptability by the parties.

(2) Applicants who are employees of, advocates for, and consultants to labor or management may be considered for appointment to the roster if, in the opinion of the Service, they have a demonstrated record of broad acceptability by both labor and management and their inclusion will not preclude their possibility of selection by parties to a dispute.

(3) In deciding which persons will not be admitted or retained on the roster, the Service may further consider whether a person has an actual or apparent bias or an actual or apparent conflict of interest.

(4) Employees of the Federal Government are not eligible for admission to the roster.

(f) Lack of need by the Service in a geographic area will not deny a clearly qualified applicant from admission to the roster.

(g) Inquiries relative to the applicant's qualifications may be made of arbitrators or FMCS personnel familiar with the applicant, and union and management arbitration practitioners.

(h) The arbitrators on the roster shall execute and return all documents, forms, and reports required by the Service and shall keep the Service informed of changes of address, telephone numbers, occupation, availability, and of any business or other connection or relationship which involves labor-management relations.

(i) The Service requires that applicants and those on the roster keep current with principles, practices and developments that are relevant to his or her own field of arbitration practice.

(j) The Service has an obligation to the parties to maintain qualified, competent, acceptable and ethical arbitrators on its roster. Consequently, in addition to requiring compliance with the rules and regulations set out herein by the Service and such guidelines and procedures as may be issued by the OAS, each arbitrator shall conform to the ethical standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes approved by the Joint Steering Committee of the National Academy of Arbitrators (composed of representatives from the Academy, the American Arbitration Association and the Service) in November 1974 and published in April 1975, incorporated by reference herein. Arbitrators are also required to conform to ethical standards and procedures commonly utilized by factfinders, hearing examiners, arbitrators, and judges in the course of conducting hearings.

(k) Applicants who qualify under the criteria for admission to the FMCS roster of arbitrators shall be certified by the National Director of FMCS. Arbitrators currently on the roster, following an evaluation of their continuing compliance with the standards contained herein, shall likewise be certified. The entire roster of arbitrators shall periodically be reviewed for purposes of determining continued compliance with the standards contained herein and continued retention on the roster.

(l) The Service reserves the right to remove arbitrators from the roster or take other appropriate action in accordance with the procedure specified in Subpart C, §§ 1404.20 through 24 for nonconformance with the standards set forth in this section.

Subpart B—Procedures for Arbitration Services

§ 1404.10 Procedures for Requesting Arbitration Panels.

The Office of Arbitration Services has been delegated the responsibility for administering all requests for arbitration services under these regulations.

(a) The OAS maintains a roster of individuals considered competent for hearing arbitration cases. OAS will refer a panel of such individuals to the parties upon request. The Service prefers to act upon a joint request which should be addressed to the Federal Mediation and Conciliation Service, Washington, D.C. 20427, Attention: Office of Arbitration Services. In the event that the request is made by only one party, the Service may act if the parties have agreed that either of them may seek a panel, either by specific ad hoc agreement or by specific language in the applicable collective bargaining agreement.

(b) The parties are urged to use the Request for Arbitration Panel form (R-43) available at any FMCS regional office or field station. A brief statement of the issues in dispute should accompany the request to enable the Service to submit the names of arbitrators qualified for the issues involved. The request

should also include a current copy of the arbitration section of the collective bargaining agreement or stipulation to arbitrate.

§ 1404.11 Arbitrability.

Where either party claims that a dispute is not subject to arbitration, the Service will not decide the merits of such claim. The submission of a panel should not be constructed as anything more than compliance with a request.

§ 1404.12 Nominations of Arbitrators.

(a) When the parties have been unable to agree on an arbitrator, the Service will submit to the parties the names of seven arbitrators unless the applicable collective bargaining agreement provides for a different number, or unless the parties themselves request a different number. Together with the submission of a panel of arbitrators, the Service will furnish a biographical sketch for each member of the panel. This sketch states the background, qualifications, experience, and per diem fee.

(b) In selecting names for inclusion on a panel, the Service considers many factors, but the desires of the parties are of foremost consideration.

(1) If at any time both parties request that a name or names be omitted from a panel, such name or names will be omitted, unless they are excessive in number or otherwise appear to lack careful consideration.

(2) If only one party requests that a name or names be omitted from a panel, such request shall not be honored. The Service will not place names on a panel at the request of one party unless the other party has knowledge of such request and has no objection thereto.

(3) If the issue described in the request appears to require special technical experience or qualifications, arbitrators who possess such qualifications will, where possible, be included on the panel submitted to the parties.

(4) If one party requests that the panel be composed entirely of persons with specific qualifications or that it consist of all local or nonlocal persons, such request will be honored if the agreement so provides or the other party so agrees.

(c) Two methods generally utilized for selection from a panel are: (1) Each party alternately strikes a name from the submitted panel until one remains.

(2) Each party advises the Service of its order of preference by numbering each name on the panel.

In almost all cases, an arbitrator is chosen from one panel. However, if a party requests another panel, the Service shall comply with a request providing that an additional panel is permissible under the terms of the agreement or the other party so agrees. Requests for more than two panels must be accompanied by a statement of explanation and will be considered on a case-by-case basis.

(d) Subsequent adjustment of disputes is not precluded by the submission of a panel or a selection of the arbitrator. In the event a dispute is settled by the

parties after the initial request for a panel or after selection of the arbitrator, notice of such settlement shall be sent promptly to the arbitrator and to the Service.

§ 1404.13 Appointment of Arbitrators.

(a) The parties are obligated to notify the OAS of their selection of an arbitrator. The arbitrator, independently of such notice by the parties, shall notify the OAS of the selection and willingness to serve. The Service will make a direct appointment of an arbitrator based upon a joint request or upon a unilateral request when the applicable collective bargaining agreement so authorizes.

(b) The arbitrator, upon appointment notification, is required to communicate with the parties immediately to arrange for preliminary matters, such as date and place of hearing.

§ 1404.14 Status of Arbitrator and Conduct of Hearings.

(a) The arbitrators on the FMCS roster are not employees of the Federal Government; therefore, the Service does not investigate their security status. When an arbitrator is selected by the parties, he or she is retained by them and they must assume complete responsibility for the arbitrator's security status.

(b) After appointment, the legal relationship of an arbitrator is with the parties rather than the Service, although the Service does have a continuing interest in the proceedings and the performance of arbitrators maintained on its roster.

(c) All proceedings conducted by the arbitrator shall be in conformity with the recognized principles of due process of law, established practices in the hearing of arbitration cases, contractual obligations specified by the parties, the Code of Professional Responsibility, and such guidelines as may issue from the Service. The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control. The arbitrator's decision is to be based on the record in the proceedings. The arbitrator may, unless prohibited by law, proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. The award, however, must be supported by evidence.

§ 1404.15 Decision and Award.

(a) The award shall be made not later than 30 days from the date of the closing of the record as determined by the arbitrator, unless otherwise agreed upon by the parties or specified by law. However, a failure to make such an award within 30 days shall not invalidate such an award.

(b) The parties should inform the Service whenever a decision is unduly delayed. The Service expects to be notified by the arbitrator if and when the arbitrator (1) cannot schedule, hear, and determine issues promptly, and; (2) learns a dispute has been settled by the parties prior to the hearing.

(c) After an award has been submitted to the parties, the arbitrator is required to file a copy with the OAS. The arbitrator is further required to submit a Fee and Award Statement, (R-19) showing a breakdown of the fee and expense charges so that the Service may be in a position to review conformance with its fee and expenses reporting requirements. Cooperation in filing both award and report within 15 days after rendering an award is required of all arbitrators.

(d) It is the policy of the Service not to release arbitration decision for publication or distribution without the consent of both parties. Furthermore, the Service expects the arbitrators it has nominated or appointed not to give publicity to awards they may issue except as agreed to by the parties.

§ 1404.16 Fees and Charges of Arbitrators.

(a) No administrative or filing fee is charged by the Service. The current policy of the Service permits each of its nominees or appointees to charge a per diem fee for services, the amount of which is certified in advance to the Service. Each arbitrator's maximum per diem fee is set forth on a biographical sketch which is sent to the parties when panels are submitted, and is the controlling fee if the arbitrator is selected. The arbitrator shall not change a per diem fee to be noted on his or her biographical sketch without giving at least 30 days advance notice to the Service of the intention to do so.

(b) The arbitrator is entitled to be compensated for the time lost when the parties do not allow sufficient notice of postponement or cancellation of a hearing for rearrangement of the arbitrator's schedule.

(c) In those cases where arbitrators fix wages or other important terms of a contract, the maximum fee noted above may be exceeded by the arbitrator after agreement by the parties. Conversely, an arbitrator may give due consideration to the financial condition of the parties and charge less than the listed fee in appropriate cases.

(d) In cases involving unusual amounts of time and expenses relative to pre-hearing and post-hearing administration of a particular case, an administrative charge may be made.

(e) All other charges shall be divulged to the parties immediately after appointment.

Subpart C—Procedure for Administrative Action

§ 1404.20 Charge and Investigation.

(a) Arbitrators on the roster are required to adhere to the standards set forth in these regulations, in particular, the standards for admission or retention on the roster set forth in Subpart A, Section 1404.2.

(b) In response to a specific charge or upon receipt of knowledge of an alleged violation of these regulations, the OAS may make such inquiry in to disposition of the matter as warranted by all the

facts and circumstances, including but not limited to, contacting the arbitrator in question. Any statements in support of the specific charges shall be reduced to writing and signed and made part of an official file maintained by the OAS.

§ 1404.21 Complaint, Answer, and Request for Hearing.

(a) If, as a result of the investigation described in 1404.20, the matter is not resolved and a sufficient basis exists for believing that violations of these regulations have occurred, the OAS will cause a written complaint to be served on the arbitrator by registered mail. Such complaint shall specify in detail the allegations of violations of regulations and allow the arbitrator not more than 30 days after receipt of complaint, unless an extension is granted for good cause shown, in which to file an answer to the complaint.

(b) All evidence, including signed statements in support thereof, forming the basis of the complaint shall be made part of an official file by the OAS, which shall be available for inspection by the arbitrator upon written request at any time following issuance of a formal complaint.

(c) Failure to file an answer responding to the allegations of the complaint shall be deemed sufficient grounds for the OAS to render a decision based upon the complaint and evidence in support thereof.

(d) The answer, in addition to responding to the allegations in the complaint, may include documentary evidence, such as signed statements offered in defense of the allegations, and shall be made part of the official file. After receipt of an answer that does not include a request for hearing, as specified in paragraph (e) § 1404.21, the Deputy National Director or his designee shall issue a decision on the merits following careful review and consideration of the complaint, the answer, and any documentary evidence contained in the official file.

(e) The answer may also specifically request the opportunity for a hearing before an impartial representative designated by the Deputy National Director of FMCS. Failure to request a hearing at the time of filing the answer will be considered a waiver of that right.

(f) In all instances, the OAS shall have the burden of substantiating the allegations of the complaint.

§ 1404.22 Hearing.

(a) If a hearing is requested by the arbitrator in his answer, the representative designated by the Office of Deputy National Director, hereinafter referred to as the hearing officer, shall promptly communicate with the arbitrator to set a time and place for such hearing, but in no event later than 21 days following receipt of an answer.

(b) At the hearing to be conducted by the hearing officer, the arbitrator may personally or through a representative of his own choosing present any relevant documentary evidence or oral testimony.

The arbitrator should make a good faith effort to submit any written or documentary evidence of supplementary to his written answer prior to the date of any hearing. Copies of such material will be made available to OAS.

(c) Transcripts may be utilized either by order of the hearing officer or at the request of the arbitrator. In the latter instance, the costs shall be equally shared.

§ 1404.23 Decision.

(a) In the event that an answer is not filed or an answer is filed but the hearing is not requested therein, a written decision on the merits of the complaint, as provided in paragraphs (c) and (d) of § 1404.21, setting forth the findings of fact, conclusions, and remedial action, if any, shall be issued promptly. A copy thereof shall be sent to the arbitrator by registered mail.

(b) In the event a hearing is conducted pursuant to paragraph (b) of § 1404.22 the hearing officer shall issue a written decision setting forth the findings of fact, conclusions and remedial action, if any, as soon as possible following completion of the hearing and receipt of transcript and serve a copy on the arbitrator by registered mail.

(c) Copies of all decisions shall be forwarded to the OAS and be made part of the arbitrator's official file.

§ 1404.24 Appeal.

(a) Within 15 days after receipt by the arbitrator of any decision issued pursuant to §§ 1404.21(d) and 1404.23(b), unless an extension of time is requested and granted for good cause, the arbitrator may appeal the decision by filing a written notice of appeal with the Office of the National Director of the Service specifying the particular findings of fact, conclusions or corrective action to which exception is taken.

(b) The National Director or his designee will review the entire existing record upon which the decision was rendered to determine whether or not the decision is supported by substantial evidence. As soon as practicable after appeal, the National Director will issue a written decision affirming or denying in whole or in part the decision and cause a copy to be served on the arbitrator by registered mail.

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GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Part 101-5]

CENTRALIZED FIELD DUPLICATING SERVICES

Proposed Changes to Federal Property Management Regulations

Notice is hereby given that General Services Administration (GSA) proposes to amend the regulations issued in Part 101-5 of the Federal Property Management Regulations (FPMR).

PROPOSED RULES

FPMR 101-5 presently prescribes the methods by which GSA provides for the establishment of centralized services in Federal buildings occupied by a number of executive agencies. Specific guidelines and procedures for the establishment and operation of centralized field duplicating services on a reimbursable basis are provided in FPMR 101-5.2. It is proposed to revise these regulations to provide additional policy concerning the transfer of personnel from participating agencies to the agency operating the centralized field duplicating plant. The proposed regulations will also exempt from transfer to the centralized plant all copy-processing machines having a maximum speed of 25 copies a minute or less, subject to certain conditions. Other sections of FPMR 101-5.2 will be revised or amended to provide editorial changes and to inform agencies of a new GSA form for use in performing feasibility studies concerning proposed centralized field duplicating plants.

Written comments concerning the proposed amendment may be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406, on or before June 7, 1976.

In consonance with the foregoing, it is proposed to amend the FPMR as follows:

Subpart 101-5.2—Centralized Field Duplicating Services

1. Section 101-5.201 is revised as follows:

§ 101-5.201 Applicability.

This subpart is applicable to all executive agencies which occupy space in or are prospective occupants of a multi-occupant Federal building or complex located in the United States.

2. Section 101-5.202 is amended as follows:

§ 101-5.202 Types of centralized field duplicating services.

With due regard to the rules and regulations of the Joint Committee on Printing, the types of centralized field duplicating services made available by GSA to occupying agencies in a Federal building or complex will be as follows:

3. Section 101-5.203-1 is amended as follows:

§ 101-5.203-1 Scheduling of feasibility studies.

(a) Based on the available data on the proposed size, location, number of agencies scheduled for occupancy, and other factors pertinent to a proposed new Federal building, GSA will determine whether to provide for a centralized field duplicating plant in the space directive covering the new building. A feasibility study thereafter will be scheduled and coordinated with the Federal building program of the Public Buildings Service, GSA, to occur during the period following development of the prospectus and before development of final working drawings for the space directive. The final decision to provide

centralized field duplicating services in a new Federal building will be subject to subsequent determination by the Administrator of General Services based upon the formal feasibility study.

4. Section 101-5.203-4 is revised as follows:

§ 101-5.203-4 Duplicating Services—Individual Agency Survey.

Each agency covered by a feasibility study will be requested, through its designated local representative, to complete and furnish to the appropriate GSA regional office GSA Form 3300, Duplicating Services—Individual Agency Survey. When necessary, representatives of the GSA regional printing and distribution activity will be available to assist in completion of the GSA Form 3300. Copies of GSA Form 3300 will be furnished to the agencies by GSA regional offices at the time the request for completion is made.

5. Section 101-5.203-6 is revised as follows:

§ 101-5.203-6 Pooling of equipment and personnel.

(a) In establishing centralized reproduction facilities in Federal buildings, GSA regional offices will make arrangements with participating agencies for the transfer of duplicating and related equipment for the centralized plant. The duplicating equipment for transfer shall be as defined in current Government Printing and Binding Regulations issued by the Joint Committee on Printing. Equipment transferred to the agency operating the centralized plant shall be without reimbursement to the using agency. Transferred equipment, which is not used in the centralized plant, will be held for a period of 6 months at which time it will be disposed of by GSA in accordance with applicable regulations governing the disposal of excess property. Copy-processing machines, as provided in paragraph (b) of this section (as well as reproduction, addressing, and automatic copy-processing equipment used in bona fide systems applications), may be retained by mutual agreement with using agencies.

(b) All copy-processing machines having a maximum speed of 25 copies a minute or less are exempted from transfer to the centralized plant, subject to the following conditions:

(1) No automatic document feeders, sorting mechanisms, or similar devices that encourage the use of the copier as a duplicating machine will be permitted, except in certified bona fide systems applications approved in advance by GSA.

(2) All purchase orders for new copying equipment or for continuation of existing equipment shall be submitted to the centralized facility manager for approval prior to release to the vendor.

(3) Exempted copiers, other than in bona fide systems applications provided in this § 101-5.203-6, are to be used for making not more than 20 copies of any one original. Requirements for more than

20 copies shall be submitted to the centralized facility for reproduction.

(4) The centralized facility manager shall periodically inspect agency copiers to ensure compliance with the terms of the exemption provisions. Following such inspections, action shall be taken first at the local level, then, if necessary, at the headquarters level, to promptly remove any unauthorized equipment, attachments, and devices not in consonance with these provisions.

(c) Personnel devoting over 50 percent of time to the duplicating activities of the affected agency will be identified for transfer to the operating agency upon establishment of a centralized plant, in accordance with the U.S. Civil Service Commission regulations relating to the transfer of functions. Agencies are also expected to transfer personnel ceiling to the operating agency for employees so transferred.

(d) Space for duplicating equipment, electrical outlets, or other services for such equipment, where use of such equipment would duplicate the services provided by the centralized plant will not be made available by GSA to occupant agencies, unless sufficient justification and the written consent of the GSA regional printing and distribution activity are submitted with Standard Form 81, Request for Space, to the appropriate Regional Director, Space Management Division, PBS, for approval.

6. Section 101-5.203-7 is revised as follows:

§ 101-5.203-7 Determination of feasibility.

The Administrator of General Services will determine the economic feasibility of each proposed centralized field duplicating plant in accordance with § 101-5.104-7. The Director of the Office of Management and Budget and the head of each affected agency will be advised of the Administrator's determination to establish a centralized plant.

7. Section 101-5.205-2 is amended as follows:

§ 101-5.205-2 Prerequisites to designation of other agencies.

(a) Generally, prices charged to Government agencies using the centralized field duplicating service should be no higher for identical services than those specified on the currently effective nationwide uniform General Service Administration Reproduction Services Price Schedule. In special circumstances, deviations from the Price Schedule may be developed jointly by GSA and the designated agency.

(b) The designated agency shall accept responsibility for implementing the determination of the Administrator of General Services to establish a centralized field duplicating plant, issued in accordance with §§ 101-5.104-7 and 101-5.203-7, including the provisions for transfer of excess equipment and other procedures and conditions specified in that determination. Necessary deviations

from the determination may be developed jointly by GSA and the designated agency.

8. Section 101-5.205-3 is amended as follows:

§ 101-5.205-3 Actions prior to operation of plant.

(a) The designated agency will assist the appropriate GSA regional office in the determination of firm space needs, including any special requirements. Space needs will be furnished by the GSA regional Customer Service and Support Division (regional Printing and Distribution Division, Region 3) FSS, to the Public Buildings Service, GSA, before preparation of final working drawings for the Federal buildings in which the plant is to be located.

9. Sections 101-5.4901, 101-5.4902, and 101-5.4903 are deleted and reserved as follows:

§ 101-5.4901 [Reserved]

§ 101-5.4902 [Reserved]

§ 101-5.4903 [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: April 12, 1976.

WALLACE H. ROBINSON, Jr.,
Commissioner,
Federal Supply Service.

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NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 2 and 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Early Site Reviews and Limited Work Authorizations

Notice is hereby given that the Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 2, "Rules of Practice," and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would encourage and provide for early review of site suitability issues associated with nuclear power reactors and other large utilization and production facilities, and extend the so-called "limited work authorization" concept to include production facilities such as commercial isotopic enrichment plants and fuel reprocessing plants, and testing reactors.

EARLY SITE REVIEWS

GENERAL POLICY CONSIDERATIONS

In recent years the nuclear facility licensing process has increasingly focused on issues regarding the suitability of the proposed facility site. The acceptability of the proposed site is a critical issue in the construction permit review and hearing process, and on a number of occasions unfavorable decisions on site suitability issues have proven to have been dispositive of the applications.

Since July 1968, Paragraph I(c) of Appendix A to Part 2 of the Atomic Energy

Commission's (now Nuclear Regulatory Commission's) regulations has provided for consideration of the matter of suitability of a proposed site for a production or utilization facility separately from, and prior to, consideration of other issues in the hearing on an application for a construction permit. Some applicants have sought and received early site review by the staff, but, under the present system, these reviews have been informal and no firm conclusions have been reached. Very few site reviews have been carried through to a formal staff report and review by the Advisory Committee on Reactor Safeguards. As a result, prospective construction permit applicants have not had a firm basis for planning with reference to the acceptability of potential sites. And it has often been necessary to review site issues again in the context of the construction permit application, with a consequent loss of efficiency in the licensing process.

Early reviews and decisions on site suitability issues offer several advantages. They would be of value to construction permit applicants in providing early identification and resolution of site-related problems before substantial commitments of resources are made in the choice of a plant design and in going forward with the remainder of the application. For example, an early site review could indicate that local geological, hydrological, or meteorological conditions make the proposed site unacceptable, or indicate that the total environmental impact associated with facility construction and operation would be such that it would appear that some other site is superior. Early consideration of site suitability issues would also enhance the efficiency of the licensing review process by substantially removing the resolution of critical siting issues as a delaying factor in the review process prior to construction authorization. Early hearings on site suitability matters would also serve to enhance public participation by focusing it on crucial issues at an early stage in the review process when it can be most effective. The proposed amendments to Parts 2 and 50 which follow are designed to encourage and facilitate early consideration of site suitability issues.

They would provide for two separate approaches to the early consideration of site suitability issues. Under the first approach, a partial adjudicatory decision, after hearing, would be obtained on site suitability issues. Under the second approach, site suitability issues would be reviewed by the Commission's Staff and Advisory Committee on Reactor Safeguards (ACRS) and a Staff and ACRS report on the issues would be issued. However, no hearing would be held and no adjudicatory decision would be rendered under the second approach, and the Staff and ACRS findings would not be binding on the atomic safety and licensing boards, Atomic Safety and Licensing Board, or Commission itself. Under either approach the review could embrace all site suitability issues and lead to a general conclusion regarding site acceptability,

or the review could extend only to selected site suitability issues.

NATURE OF REVIEW

Under either approach, the conduct of an early review of one or more site suitability issues will require a "decoupling" of site suitability issues from issues concerning the detailed facility design. However, some information about the nature of the proposed facility will clearly be required for the conduct of the review. Accordingly, some facility design parameters (or reasonable range of facility design parameters) must be postulated for purposes of review. Some helpful guidance regarding environmental design parameters for nuclear power plants is set forth in WASH-1355, "Nuclear Power Facility Performance Characteristics for Making Environmental Impact Assessments," December, 1974. The selection of the appropriate facility design parameters would be made by the applicant. The parameters selected by the applicant would be accepted for the purposes of review unless for some reason it clearly appeared that construction and/or operation of a facility within the specified parameters would be technically infeasible and that, therefore, early site review would not be productive.

Where an overall conclusion regarding acceptability of a proposed site is sought, it would be the Commission's general policy to conduct a review under the National Environmental Policy Act of 1969 ("NEPA") that is as close as possible in scope and depth to the NEPA review that is conducted for a construction permit application containing the preliminary design of the facility. However, the Commission recognizes that the NEPA inquiry into certain subject areas may of necessity be preliminary and/or general in nature. For example, the NEPA review of a nuclear power reactor construction permit application that includes the preliminary design of the facility would include an assessment of (1) the need for the proposed facility and whether the alternative of not constructing new generating capacity is preferable from a cost-benefit standpoint, (2) whether, assuming new generating capacity is needed, some form of power generation other than nuclear should be adopted from a cost-benefit standpoint, and (3) whether certain alternative plant designs should be adopted from a cost-benefit standpoint. Consideration of these matters at an early site review stage may of necessity be general and preliminary because detailed information regarding the applicant's system needs, the timing of the proposed new facility, and the facility design may not be available at this point in time. The Commission expects that in such situations the environmental impact statement will need to be supplemented prior to the granting of construction authorization.

Clearly, at some point in time the conclusions of an early site review may become outdated. The selection of an appropriate time period for the effectiveness of a partial decision or Staff or

ACRS determination on one or more site suitability issues involves competing policy considerations. On the one hand, there is the general desire to base licensing determinations on a review that includes all the most recent information. Facts may change over a period of time, and some mechanism must be provided for consideration of important new information bearing on site suitability matters prior to the granting of the construction authorization. On the other hand, the advantages of an early site review will not be realized if site suitability issues must be routinely reconsidered de novo when construction authorization is sought.

The Commission believes that an appropriate balance will be drawn between these competing considerations if routine re-review of site suitability issues is required only in cases where construction authorization is sought more than five years after issuance of the partial final decision (under the first approach) or Staff or ACRS determination (under the second approach) on site suitability matters. Such a routine re-review would focus on any relevant new safety or environmental considerations. In the event construction authorization is sought prior to this time, the hearing record or Staff or ACRS report would be reopened only upon an appropriate demonstration that there exists significant new information that substantially affects the earlier conclusions or other good cause.

GOVERNMENTAL COORDINATION

Several Federal agencies other than the Commission, as well as numerous State and local agencies, are involved in making decisions on questions of environmental impact and nuclear facility siting. In recent years there has been increasing emphasis at State governmental levels on early and thorough consideration of environmental impact, land use, and similar questions associated with energy facility siting, including nuclear facility siting. Several States have enacted comprehensive new energy facility siting legislation.

Under the proposed amendments which follow, a State could seek and obtain a Commission Staff and ACRS review and determination on the acceptability of a proposed nuclear facility site (the second approach). This could prove to be useful for purposes of State review and planning efforts. Thus, the availability of the second approach would not be restricted to electric utilities or other persons who intend to apply for construction permits. On the other hand, the Commission believes that any partial adjudicatory decision on site suitability issues (the first approach) under its present legislative authority should properly be made within the context of a construction permit application review and hearing. Accordingly, the availability of the first approach to early consideration of site suitability matters will be restricted to those who plan to construct nuclear facilities.

The Commission is of the firm view that duplication in environmental as-

sessments should be avoided to the maximum extent feasible. In one particularly important subject area—water pollution control—the Commission has initiated substantial efforts along these lines. The second Memorandum of Understanding between the Commission and the Environmental Protection Agency, published in the Federal Register on December 31, 1975 (40 FR 60115), provides for early Environmental Protection Agency evaluations of levels of liquid effluent discharges and impacts on water quality and biota and early issuance of discharge permits under Section 402 of the Federal Water Pollution Control Act by the Agency in advance of the issuance of an early site approval (partial adjudicatory decision on site acceptability) by the Commission. In addition, a single environmental impact statement would be prepared, with the Commission as the lead agency, that would satisfy the NEPA requirements applicable to both agencies. A Section 401 State water quality certification would be sought prior to the issuance of the early section 402 discharge permit by the Agency.

The Commission expects to work with other affected Federal agencies to develop similar coordination mechanisms. The large number of State and local agencies that may be involved in nuclear facility siting and environmental impact evaluations makes it difficult for the Commission to develop detailed working procedures with all the agencies. However, plans for the maximum possible coordination are being developed. In the interim as early site review requests are filed, the Commission's Staff will contact the affected State and local agencies and seek to develop coordination procedures on a case-by-case basis.

THE TWO APPROACHES

As indicated, the proposed regulations which follow would provide for two approaches to the early consideration of site suitability issues. Under the first approach, a partial adjudicatory decision could be obtained, after hearing, on one or more site suitability issues. The proposed regulations which follow would provide detailed guidance regarding hearings and partial decisions on site suitability issues.

Special provision would be made for early filing of site suitability information in an early submittal of the construction permit application, and for early hearings and partial decisions on site suitability issues. The filing of the remainder of the technical and other general information required in support of the construction permit application could be postponed until after the partial decision on site suitability issues.

Special provision would also be made to assure that no early decision on a limited number of site suitability issues would prejudice the later full consideration of alternative sites. In cases where an early decision on a limited number of site suitability issues is required, the Commission may require the applicant to supply some preliminary information

regarding its site selection process and alternative sites in order to assure that the partial decision would not lead to a commitment of resources such that the later full NEPA review of alternative sites would be prejudiced.

Under the second approach to early consideration of site suitability issues, information regarding one or more site suitability issues would be submitted to the Commission's Staff and (where site safety issues are involved) ACRS for review. Under 10 CFR § 2.101(a), in its present form, a prospective applicant may confer informally with the staff of the Commission prior to filing of an application. As noted previously, in a number of cases applicants have informally submitted site suitability information to the Commission's Staff for a preliminary review prior to formal submission of the application. While such preliminary views have no binding effect on the atomic safety and licensing boards, Atomic Safety and Licensing Appeal Board, or Commission, they have provided a means for an early identification of significant site suitability problems and their possible resolution.

The proposed regulations which follow would provide for a continuation of this practice on a more structured basis and would extend the review policy to include other interested persons, such as States, who do not intend to apply for a permit. The proposed regulations would be similar in format to 10 CFR Part 50, Appendix O, which provides for a staff-level review of standardized nuclear power reactor designs.

The early Staff review process for environmental issues would include preparation of a partial or full draft environmental impact statement, circulation of the draft impact statement for public and agency comment, and preparation of a partial or full final environmental impact statement. In the case of site safety issues, the review would include both Commission Staff and ACRS reviews and issuance of a Staff site safety evaluation report and ACRS site safety letter. The Commission Staff and (if appropriate) ACRS reviews will culminate in the issuance of a letter setting forth a Commission Staff site position. This letter would include any recommended conditions or qualifications on the acceptability of the proposed site.

LIMITED WORK AUTHORIZATIONS

On April 24, 1974, the Atomic Energy Commission adopted amendments to its regulations in 10 CFR Parts 2 and 50 to provide for the issuance of so-called "limited work authorizations" for nuclear power reactors. The limited work authorization concept provides a means, whereby, after completion of the staff environmental impact statement and completion of the hearing on environmental issues and certain other specified issues, site preparation and excavation and certain other on-site work may be undertaken by the construction permit applicant prior to issuance of the construction permit. Under the concept, the construction permit would only be issued after successful completion of the review

and hearing on the remaining issues. The present concept has substantially improved the nuclear power plant licensing process and the present concept can be made applicable to all production and utilization facilities where an environmental impact statement is required. Accordingly, the proposed amendments which follow would extend the concept to production facilities such as commercial isotopic enrichment plants and reprocessing plants, and testing reactors.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, the National Environmental Policy Act of 1969, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2 and 50 is contemplated. In addition, the Commission's Staff has prepared a Staff report (NUREG) which describes some of the detailed policies and procedures which would be followed by the Staff in its conduct of early site reviews. This Staff report is being issued for public comment along with the proposed regulations. All interested persons who desire to submit written comments for consideration in connection with the proposed amendments and Staff report should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by June 21, 1976. Copies of comments on the proposed amendments and report may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

§ 2.101 [Amended]

1. Paragraph (a) of § 2.101 of 10 CFR Part 2 is amended by substituting the words "production or utilization facility of the type specified in §§ 50.21(b)(2) or (3) or 50.22 of this chapter or for a testing reactor, which is subject to § 51.5(a) of this chapter," for the words "nuclear power reactor subject to § 51.5(a) of this chapter" wherever they appear.

2. A new paragraph (c) is added to § 2.101 of 10 CFR Part 2 to read as follows:

§ 2.101 Filing of application.

(c) *Early Consideration of Site Suitability Issues.* (1) An applicant for a construction permit for a production or utilization facility of the type specified in §§ 50.21(b)(2) or (3) or 50.22 of this chapter or for a testing reactor, which is subject to § 51.5(a) of this chapter, may request that the Commission conduct an early review and hearing and render an early partial decision in accordance with Subpart F on issues of site suitability within the purview of the applicable provisions of Parts 50, 51, and 100 of this chapter. In such cases, the applicant for the construction permit may submit the information required of applicants by the provisions of this chapter in three or (in the case of nuclear power reactors) four parts. One part shall include or be accompanied by any information required by §§ 50.34(a)(1) and 50.30(f) of this chapter which relates to the issue(s)

of site suitability for which an early review, hearing and partial decision are sought, and shall include the information required by §§ 250.33(a)-(e) and 50.37 of this chapter. The information submitted also include postulated facility design and operation parameters that are sufficient to enable the Commission to perform the requested site suitability evaluations under the applicable provisions of Parts 50, 51, and 100. The second part shall include or be accompanied by the construction permit application fee required by §§ 50.30(e) and 170.21 of this chapter and the remaining information required by §§ 50.30(f), 50.33, and 50.34(a)(1) of this chapter. This part shall be filed while the partial decision on the first part of the application is effective. The third part shall include the remaining information required by §§ 50.34(a) and (in the case of a nuclear power reactor) 50.34a of this chapter. Filing of this information may precede by no more than six months or follow by no more than six months the filing of the information in the second part. In the case of an application for a construction permit for a nuclear power reactor, a fourth part shall include any information required by § 50.33a of this chapter and shall be filed in accordance with the time periods specified in § 50.33a.

(2) An application submitted in accordance with this paragraph will be initially treated as a tendered application in accordance with paragraph (a) of this section. As such, the application will be subject to an acceptance review for completeness prior to assignment of a docket number.

(3) If the application is assigned a docket number, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will send a copy to the Governor or other appropriate official of the State in which the site is located, and will cause to be published in the *FEDERAL REGISTER* a notice of receipt of the application which states the purpose of the application and location of the proposed site, and in the case of applications filed under section 103 of the Act, states that a person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views in accordance with a subsequent notice that will be published in the *FEDERAL REGISTER*. In the case of a nuclear power reactor, such subsequent notice will be published following submission of the information required by § 50.33a.

3. In § 2.110 the section heading and paragraph (a) are revised to read as follows:

§ 2.110 Filing and administrative action on submittals for design review or early site review.

(a) A submittal pursuant to Appendix O or Q of Part 50 of this chapter shall be subject to §§ 2.101(a) and 2.790 to the same extent as if it were an application for a permit or license.

4. A new Subpart F is added to the table of contents of 10 CFR Part 2 as follows:

Subpart F—Additional Procedures Applicable to Early Partial Decisions on Site Suitability Issues in Connection With an Application for a Permit To Construct Certain Production and Utilization Facilities

| | |
|-------|--|
| Sec. | |
| 2.600 | Scope of Subpart. |
| 2.601 | Notice of hearing on application for an early site review. |
| 2.602 | General procedures. |
| 2.603 | Additional considerations. |
| 2.604 | Partial decisions on site suitability issues. |

5. A new Subpart F is added to 10 CFR Part 2 to read as follows:

Subpart F—Additional Procedures Applicable to Early Partial Decisions on Site Suitability Issues in Connection With an Application for a Permit to Construct Certain Production and Utilization Facilities

§ 2.600 Scope of subpart.

This subpart prescribes procedures applicable to licensing proceedings which involve an early submittal of site suitability information in accordance with § 2.101(c), and a hearing and early partial decision on issues of site suitability, in connection with an application for a permit to construct a production or utilization facility of the type specified in §§ 50.21(b)(2) or (3) or 50.22 of this chapter or a testing reactor, which is subject to § 51.5(a) of this chapter.

§ 2.601 Notice of hearing on application for an early site review.

(a) Where an applicant for a construction permit for a production or utilization facility subject to this subpart requests an early site review and hearing and an early partial decision on issues of site suitability pursuant to § 2.101(c), the provisions in the notice of hearing setting forth the matters of fact and law to be considered, as required by § 2.104, shall be modified so as to relate only to the site suitability issues.

(b) After docketing of the second part of the application, as provided in § 2.101(c)(1), a supplementary notice of hearing will be published pursuant to § 2.104 with respect to the remaining unresolved issues in the proceeding within the scope of § 2.104(b). Such supplementary notice of hearing will provide that any person whose interest may be affected by the proceeding and who desires to participate as a party in the resolution of the remaining issues shall file a petition for leave to intervene pursuant to § 2.714 within the time prescribed in the notice. Such supplementary notice will also provide appropriate opportunities for participation by a representative of an interested state under § 2.715(c) and for limited appearances pursuant to § 2.715(a).

(c) Any person who was permitted to intervene as a party pursuant to the initial notice of hearing on site suitability issues and who was not dismissed or did not withdraw as a party may continue to participate as a party to the proceeding with respect to the remaining

unresolved issues, provided that within the time prescribed for filing of petitions for leave to intervene in the supplementary notice of hearing, he files a notice of his intent to continue as a party, along with a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to continue to participate as a party, and setting forth with particularity the basis for his contentions with regard to each such aspect or aspects. A party who files a nontimely notice of intent to continue as a party may be dismissed from the proceeding, absent a determination that the party has made a substantial showing of good cause for failure to file on time, and with particular reference to the factors specified in §§ 2.714(a)(1)-(4) and 2.714(d). The notice will be ruled upon by the Commission or atomic safety and licensing board designated to rule on petitions for leave to intervene.

(d) To the maximum extent practicable, the membership of the atomic safety and licensing board designated to preside in the proceeding on the remaining unresolved issues pursuant to the supplementary notice of hearing will be the same as the membership designated to preside in the initial notice of hearing on site suitability issues.

§ 2.602 General Procedures.

The provisions of Subparts A and G relating to applications for construction permits and proceedings thereon apply, respectively, to proceedings in accordance with this subpart, except as specifically modified by the provisions of this subpart.

§ 2.603 Additional considerations.

The Commission may decline to initiate an early hearing or render an early partial decision on issues of site suitability in cases where no partial decision on the relative merits under Part 51 of the proposed site and alternative sites is requested, upon determination that there is a reasonable likelihood that further Commission review would identify one or more preferable alternative sites and the partial decision on one or more limited site suitability issues would lead to an irreversible and irretrievable commitment of resources by the Applicant prior to the submittal of the remainder of the information required by § 50.30(f) of this chapter that would prejudice the later review and decision on such alternative sites.

§ 2.604 Partial decisions on site suitability issues.

(a) The provisions of §§ 2.754, 2.755, 2.760, 2.761, 2.762, 2.763, and 2.764(a) shall apply to any initial decision rendered in accordance with this subpart. Paragraph 2.764(b) shall not apply to any partial initial decision rendered in accordance with this subpart. The authority of the Commission and/or Appeal Board to review such a partial initial decision sua sponte or to raise sua sponte an issue that has not been raised by the parties, will be exercised within the same

time period as in the case of a full decision relating to the issuance of a construction permit.

(b) A partial decision on one or more site suitability issues pursuant to the applicable provisions of Parts 50, 51, and 100 of this chapter issued in accordance with this subpart shall remain in effect for a period of five years following completion of Commission or Atomic Safety and Licensing Appeal Board review, as appropriate, of the partial initial decision of the atomic safety and licensing board, after hearing, on the site suitability issues, unless the Commission, Atomic Safety and Licensing Appeal Board, upon its own initiative or upon motion by a party to the proceeding, finds that there exists significant new information that substantially affects the earlier conclusions or other good cause, and reopens the hearing record on site suitability issues. A partial decision on all site suitability issues shall serve as the decision on general site suitability issues required by § 50.10(e)(2)(ii), unless the record of the hearing on site suitability issues has been reopened for the consideration of new evidence or other good cause, as provided above, in which case a new partial decision on the reopened site suitability issues (or new partial decision on general site suitability under § 50.10(e)(2)(ii)) shall be rendered.

§ 2.761 [Amended]

6. Paragraph 2.761(a) of 10 CFR Part 2 is amended by substituting the words "production or utilization facility of the type specified in §§ 50.21(b)(2) or (3) or 50.22 of this chapter or for a testing reactor, which is subject to § 51.5(a) of this chapter," for the words "nuclear power reactor subject to § 51.5(a) of this chapter."

7. Paragraph I(c) of Appendix A to Part 2 is amended to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY AND PROCEDURE; CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS AND OPERATING LICENSES FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189A OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

I. PRELIMINARY MATTERS

(c) In a proceeding relating to the issuance of a construction permit for a production or utilization facility for industrial or commercial purposes or for a testing facility, which is subject to the environment impact statement requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and Part 51 of this chapter, separate hearings and decisions on National Environmental Policy Act and site suitability issues and other specified issues may be held as provided by Subpart F and § 2.761a.

The Commission or the atomic safety and licensing board may consider on their own initiative, or a party may request the Commission or the board to consider, other particular issues or issues separately from, and prior to, the other issues relating to the effect of the construction and/or operation of the facility upon the public health and safety, the common defense and security, and the environment or in regard to antitrust

considerations. If the Commission or the board determines that a separate hearing should be held, the notice of hearing or other appropriate notice will state the time and place of the separate hearing on such issue or issues. The board designated to conduct the hearing will issue an initial decision, if deemed appropriate, which will be dispositive of the issue(s) considered at the hearing, in the absence of an appeal or Commission or Appeal Board review pursuant to §§ 2.760 and 2.762, before the hearing on, and consideration of, the remaining issues in the proceeding.

§ 50.10 [Amended]

8. Paragraph (e) of § 50.10 of 10 CFR Part 50 is amended by adding the words "or the Director of Nuclear Material Safety and Safeguards, as appropriate," after the words "Director of Nuclear Reactor Regulation" wherever they appear; by substituting the words "production or utilization facility of the type specified in §§ 50.21(b)(2) or (3) or 50.22 or for a testing reactor, which is subject to § 51.5(a) of this chapter," for the words "nuclear power reactor subject to the provisions of § 51.5(a) of this chapter" wherever they appear; by substituting the words "do not prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public" for the words "are not subject to the provisions of Appendix B" in subparagraph (1); by substituting the word "facility" for the words "nuclear power reactor" in subparagraph (2); and by substituting the words "prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public" for the words "are subject to the provisions of Appendix B" in subparagraph (3)(i).

9. In § 50.33a of 10 CFR Part 50, the phrase "Any person" in paragraph (b) is changed to the phrase "Except as provided in paragraph (d), any person" and a new paragraph (d) is added to read as follows:

§ 50.33 Information required for antitrust review.

(d) Any person who applies for a class 103 construction permit for a nuclear power reactor pursuant to the provisions of § 2.101(c) of this chapter shall submit the document titled "Information Requested by the Attorney General for Antitrust Review" at least nine (9) months but not more than thirty-six months prior to the filing of the second part of the application specified in § 2.101(c) of this chapter.

10. A new Appendix Q is added to Part 50 to read as follows:

APPENDIX Q—PRE-APPLICATION EARLY SITE REVIEWS

This appendix sets out procedures for the filing, staff review, and referral to the Advisory Committee on Reactor Safeguards of requests for early review of one or more site suitability issues relating to the construction and operation of certain production or utilization facilities separately from and prior to the submittal of applications for construction permits for the facilities. The production or utilization facilities are those of the type

specified in § 50.21(b)(2) or (3) or § 50.22 or testing facilities which are subject to 10 CFR § 51.5(a) of this chapter. This Appendix does not apply to proceedings conducted pursuant to subpart F of Part 2 of this chapter.

1. Any person may submit information regarding one or more proposed facility sites to the Commission's Staff for its review separately from and prior to an application for a construction permit for a facility. Such a submittal shall consist of the portion of the information required of applicants or construction permits by §§ 50.33(a)-(c) and (e), and, insofar as it relates to the issue(s) of site suitability for which early review is sought, by §§ 50.34(a)(1) and 50.30(f).

2. The submittal for review of one or more proposed sites shall be made in the same manner and in the same number of copies as provided in § 50.30(a), (c)(1) and (c)(3) for license applications. The submittal for early review of each proposed site shall also include postulated facility design and operation parameters that are sufficient to enable the Staff to perform the requested site suitability evaluations.

3. Once the staff has initiated a technical review of a submittal under this appendix, it shall publish in the *FEDERAL REGISTER* a notice which briefly describes the location of the site and the issue(s) with respect to which review has been initiated, and it will send a copy of the submittal to the Governor or other appropriate official of the State in which the site is located. The person requesting review shall serve a copy of the submittal on the Chief executive of the municipal-

ity in which the site is located or, if the site is not located in a municipality, on the chief executive of the county. The portion of the submittal containing information required of applicants for construction permits by §§ 50.33(a)-(c) and (e) and 50.34(a)(1) will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for a review and report. There will be no referral to the ACRS unless early review of site suitability issues under § 50.34(a)(1) is requested.

4. Upon completion of its review of a submittal under this appendix, the staff shall publish in the *FEDERAL REGISTER* a determination as to whether or not the proposed site or sites, or one or more aspects thereof, are acceptable, subject to such conditions as may be appropriate, and make available in the Public Document Room an analysis of the site suitability issues in the form of a report. An approval by the staff and ACRS of a site, or one or more aspects thereof, shall be utilized by and relied upon by the staff and the ACRS in their review of any individual facility license application which incorporates by reference a site approved in whole or in part by the staff in accordance with this paragraph for a period of five years after approval unless there exists significant new information which substantially affects the earlier conclusions or other good cause.

5. The determination and report by the staff shall not constitute a commitment to issue a permit or license, to permit on-site work under § 50.10(e), or in any way affect the authority of the Commission, Atomic

Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart F and/or G of Part 2 of this Chapter.

6. The staff may decline to initiate technical review of a submittal under this appendix where it appears that, in cases where no review of the relative merits under Part 51 of the submitted site and alternative sites is requested, there is a reasonable likelihood that further Staff review would identify one or more preferable alternative sites and the Staff review on one or more limited site suitability issues would lead to an irreversible and irretrievable commitment of resources by the Applicant prior to the submittal of the analysis of alternative sites in the Environmental Report that would prejudice the later review and decision on alternative sites under subpart F and/or G of Part 2 and Part 51 of this Chapter.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, (42 U.S.C. 5841); Sec. 702, Pub. L. 91-190, 63 Stat. 853 (42 U.S.C. 4332).)

Dated at Washington, D.C., this 16th day of April 1976.

For the Nuclear Regulatory Commission,

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-11608 Filed 4-21-76; 8:45 am]

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ceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11668 Filed 4-21-76; 8:45 am]

[Wyoming 54533]

WYOMING Application

APRIL 15, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Belle Fourche Pipeline Company has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 57 N., R. 100 W.,
Sec. 10.
T. 58 N., R. 100 W.,
Sec. 22, 27, 34.

The pipeline will convey crude oil from an existing tank battery in T. 57 N., R. 100 W., 6th P.M., Park County, Wyoming to existing facilities in T. 9 S., R. 3 E., M. P.M., Carbon County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11669 Filed 4-21-76; 8:45 am]

Bureau of Reclamation

OROVILLE-TONASKET UNIT EXTENSION,
OKANOGAN-SIMILKAMEEN DIVISION
CHIEF JOSEPH DAM PROJECT, WASH-
INGTON

Public Hearing on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Oroville-Tonasket Unit Extension, Washington. This statement (INT DES-76-12) dated March 30, 1976, was made available to the public on April 6, 1976.

The draft environmental statement describes the nature and extent of the environmental impact of the proposed replacement of the deteriorated irrigation system of the Oroville-Tonasket

Irrigation District. A new buried pipe distribution system is proposed to be built and the old facilities are to be removed. Pumping plants will be installed along the Similkameen and Okanogan Rivers.

A public hearing will be held in Oroville, Washington, at the Civic League Building at 7:30 p.m., on May 25, 1976, to receive views and comments from interested organizations and individuals, relating to the environmental impacts of the proposed actions. Oral comments at the hearing will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow a speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preferences mentioned in their letter requests, whenever possible; any scheduled speaker not present when called will lose his or her privilege in the scheduled order but will be called after the scheduled speakers have been heard. Requests for scheduled presentation will be accepted up until 5 p.m., May 21, 1976. Opportunities will be available to request speaking time at the hearing; these requests will be handled on a first-come-first-served basis, following the previously scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact the Regional Director, Attention Code 160, Bureau of Reclamation, P.O. Box 043, 550 W. Fort Street, Boise, Idaho 83724, or telephone area code 208-342-2711, extension 2110, and announce their intention to participate.

Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearing should be received by June 4, 1976, in order that they can be included in the hearing record.

Dated: April 20, 1976.

E. F. SULLIVAN,
Acting Commissioner,
Bureau of Reclamation.

[FR Doc.76-11871 Filed 4-21-76; 8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 A.M., Thursday, May 20, 1976, in Dining Room A, 12th Floor, New York Times Building, 229 West 43rd Street, New York, New York.

The Commission was established by Public Law 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters re-

lating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian S. Heiskell, New York, New York (Chairman); Archibald S. Alexander, Bernardsville, New Jersey; John F. Haggerty, Forest Hills, New York; Orin Lehman, New York, New York; Gordon N. Litwin, Little Silver, New Jersey; Terrence D. Moore, Newark, New Jersey; Barbara Reach, New York, New York; Richard J. Sullivan, Hoboken, New Jersey; Nathaniel Washington, Philadelphia, Pennsylvania; and Joseph B. Williams, Brooklyn, New York.

The purposes of this meeting are as follows:

1. To attend to organizational matters and discuss the role and function of the Commission;
2. To discuss the planning process for the Gateway National Recreation Area;
3. To discuss the impact of the reverter clause in regard to lands transferred to the Federal Government for the Gateway project;
4. To consider proposals in regard to the battle ship New Jersey.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Joseph Antosca, Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212, 252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: March 29, 1976.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc.76-11666 Filed 4-21-76; 8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indian Dunes National Lakeshore Advisory Commission will be held at 9:00 a.m., CDT, on Saturday, May 22, 1976, at the Indiana Dunes National Lakeshore Tremont Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Public Law 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indian Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman), Mrs. Anna R. Carlson, Mr. Harry W. Frey, Mrs. Ione F. Harrington, Mr. John A. Hillenbrand II, Mr. Harold G. Rudd, and Mr. John R. Schnurlein.

Matters to be discussed at this meeting include:

1. Status of Lakeshore construction contracts.
2. U.S. Highway 12 plans in relation to National Park Service Acquisition.
3. Department of Transportation demonstration project.
4. Rehabilitation of NIKE Base site.
5. West Beach status—traffic signal disposition.
6. West Beach Dedication Ceremony plans.
7. Land Acquisition Report.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926-7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: April 13, 1976.

MERRILL D. BEAL,
Regional Director, Midwest
Region, National Park Service.

[FR Doc.76-11667 Filed 4-21-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M76-277]

ENERGY DEVELOPMENT CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Energy Development Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Energy No. 4 Mine, Mingo County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face

equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that it has installed canopies on the following equipment:

- (a) S & S 74 Un-A-Trac;
- (b) S & S 270 Tractors;
- (c) 300 Galis Roof Bolter; and
- (d) 245 Lee Norse Miner.

2. Petitioner asserts that in order to accommodate the average coal height of 40 inches in the Energy No. 4 Mine, said canopies were limited in height to 35 inches from ground level.

3. Petitioner maintains that the operators of the foregoing machinery have refused to operate the equipment on the grounds that the canopies create more hazardous conditions than would otherwise exist in their absence.

4. The 35-inch limitation described above, Petitioner asserts, has restricted the area within the canopies, requiring operators to lean out of the machines in order to operate them, obstructing visibility, and hindering proper operation of the machinery so equipped.

5. Petitioner states that it has removed the canopies temporarily so that it can continue to work, and requests that its petition herein be granted.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 24, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

BRUCE A. BURNS,
Acting Director,
Office of Hearings and Appeals.

APRIL 13, 1976.

[FR Doc.76-11594 Filed 4-21-76;8:45 am]

[Docket No. M76-268]

HARLAN-CUMBERLAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan-Cumberland Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its H-1 Mine, Dione, Kentucky.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the access road referred to in its petition is approximately three-fourths of a mile in length, and that the width of the access road is narrow due to the steep slopes of the mountains. The outer banks of the road are fill material and will not, it is maintained, support guard rails.

2. Petitioner states that the use of berms would eliminate many possible passing areas for coal trucks and cars, thus creating a hazard from loaded coal trucks.

3. Petitioner asserts that said access road is maintained with graders by pushing mud and snow over the outer edge of the road; and that through fall, winter, and spring in this area, frequent freezes and thaws occur which would be worsened by the provision of berms, which could create prohibitive travel conditions by trapping and holding runoff water.

4. Petitioner maintains that access roads without berms can be maintained by the use of gravel, salt, and grading equipment, but that the access road herein cannot be safely maintained with berms.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 24, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

BRUCE A. BURNS,
Acting Director,
Office of Hearings and Appeals.

APRIL 13, 1976.

[FR Doc.76-11595 Filed 4-21-76;8:45 am]

[Docket No. M76-382]

QUARTO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Quarto Mining Company has filed a petition to modify the application of 30 CFR 75.1700 to its Powhatan No. 4 Mine, Monroe County, Ohio.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. Petitioner states that its Powhatan No. 4 Mine has an oil well, No. SA 21-5 (State No. 297-A Boltz #3), which was abandoned between 1890 and 1920 when oil in a commercial quantity was exhausted. The borehole of such well penetrates the Pittsburgh Coal Seam where Petitioner intends to mine. The borehole casing was pulled in approximately 1950, except for two joints of 10 feet each, at the top of the hole. The well is presently plugged with stone and earth.

2. The barrier around the well, required by 30 CFR 75.1700, interferes with Petitioner's:

(a) maintenance of effective roof control by requiring a hazardous and time-consuming relocation of the longwall shield supports to avoid the barrier;

(b) simplification of the mine ventilation system by requiring unnecessary air course changes; and

(c) improvement of mining safety and conservation by requiring a barrier of coal when more efficient and secure methods to prevent well gas leaks are available.

3. Petitioner states that extensive research conducted by the U.S. Bureau of Mines and the U.S. Energy Research and Development Administration ("ERDA") has developed feasible and safe methods to plug abandoned oil wells and eliminate the need for coal barriers around such wells. Reports of this research¹ have concluded that certain plugging methods can effectively prevent explosive well gases from entering the mine during regular mining operations and allow additional safety and operational benefits that are not possible under 30 CFR 75.1700. These methods, which Petitioner

proposes to follow, according to Petitioner, guarantee no less than the same measure of protection afforded miners as 30 CFR 75.1700.

4. In lieu of 30 CFR 75.1700, Petitioner proposes to plug the well by one of the techniques described in Attachments 2 and 3,² depending upon conditions discovered on reopening the borehole, and mining through part of the plugged borehole in a normal mining cycle. Petitioner states that it will notify the Mining Enforcement and Safety Administration ("MESA"), the Morgantown Energy Research Center, and ERDA, before any plugging and mining activity is conducted in this regard. At MESA's option, such activity will be conducted in the presence and under the supervision of its personnel. Any changes in the procedures set forth in said Attachments 2 and 3 will be made only on approval of MESA's District Manager or his delegate.

5. Petitioner states that the following procedures, as more specifically set forth in Attachments 2 and 3, will be followed for plugging the well: Petitioner will attempt to reopen the well to its total depth and take gamma ray, neutron, and caliper logs to determine respectively the depth of all coalbeds, the most competent formation for the placement of certain plugs, and the wellbore diameter. A tracer unit of sulfur hexafluoride (an inert, permeable, and easily detectable gas) will be placed in the well and a mechanical bridge plug or other device set above it to provide a secure base for subsequent plugs. Expanding cement, flyash cement, and/or gel-water slurry will be injected to various depths in the remainder of the borehole, depending on geologic conditions.

6. Petitioner states that the following procedures will be followed for mining through the plug: All mining operations within one hundred and fifty (150) feet of the well will be conducted with the utmost caution and in a non-explosive atmosphere. In addition to the methane testing procedures in 30 CFR, Part 75, a fireboss date-board will be established in the affected area and methane examinations will be made and recorded at least once per shift by a qualified examiner. Petitioner will take air samples immediately before, during, and after mining through the concrete section of the plug between the mine floor and roof. Mining operations will be conducted during Petitioner's normal mining cycle, and, at MESA's option, in the presence and under the supervision of MESA personnel. In cooperation with MESA, Petitioner

¹Said Attachments 2 and 3, which are appended to the petition herein, are, respectively, a 3-page document entitled, in part, "Plugging Technique to be Used in Old Oil and Gas Wells * * *" and a 2-page document entitled "Plugging Techniques to be Used When a Previously Abandoned Well Cannot be Cleaned Out to its Total Depth." These documents are available for inspection at the Hearings Division address provided herein.

tioner will monitor the mine atmosphere for traces of sulfur hexafluoride for six (6) months after mining through the plug.

REQUEST FOR HEARING OF COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 24, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Bruce A. Burns,
Acting Director,
Office of Hearings and Appeals.

APRIL 13, 1976.

[FR Doc. 76-11596 Filed 4-21-76; 8:45 am]

[Docket No. M 76-349]

SOUTHERN OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Southern Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Meigs No. 1 and Meigs No. 2 Mines, Meigs County, Ohio, and its Raccoon No. 3 Mine, Vinton County, Ohio.

30 CFR 75.1710 provides:

An authorized representative of the Secretary of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

¹Petitioner here refers to "Attachment 1," which is a 23-page document, entitled "Demonstration of Safety Plugging of Oil Wells Penetrating Appalachian Coal Mines," prepared by G. E. Rennick and J. Pasini III of the Morgantown Energy Research Center, and F. E. Armstrong and J. R. Abrams of the Bartlesville Energy Research Center, dated July 1972; and an 18-page document, entitled "Reopening, Testing, and Replugging Two Wells in Illinois Making them Safe to Mine Out," presented by Joseph Pasini III at a convention of the Mine Inspectors Institute of America on June 11, 1975. These documents are available for inspection at the Hearings Division address provided herein.

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner requests the modification of the application of the mandatory safety standard 30 CFR 75.1710-1(a) with respect to the subject mines for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner asserts that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further asserts that based upon its experience with presently available canopies, the use of such canopies results in a diminution of safety to the miners in said mines.

3. Petitioner states that the average mining heights for the subject mines contained in its petition and the average six (6) inch decrease in that height as a result of installation of supplemental supports and wedges in accordance with approved roof support plans is as follows:

| Mine | Average mining height without supplemental supports (inches) | Average mining height with supplemental supports (inches) |
|----------------------|--|---|
| (1) Meigs No. 1..... | 42 to 56 | 36 to 50 |
| (2) Meigs No. 2..... | 46 to 56 | 40 to 50 |
| (3) Raccoon No. 3... | 42 to 56 | 36 to 50 |

4. Petitioner states that the coal seams involved here undulate and roll, resulting in ascending and descending grades that further limit and prevent the effective use of cabs or canopies.

5. Operators of face equipment, including shuttle car operators, are under MESA-approved plans for permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled electric face equipment, and these helpers and other personnel freely move about the mines under the protection of approved roof support.

6. Petitioner asserts that its experience indicates that the application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

(a) Several instances occurred where canopies became wedged against the roof and ripped out roof bolts, exposing employees who are not provided a canopy. In one instance a ventilation board was caught on the canopy and caused a head injury to the operator of the machine. Southern Ohio Coal Company has had fifteen (15) accidents related to canopies since their installation on face equipment. In one instance the machine operator fractured both legs. There have been several reported near misses as a result of poor vision; and

(b) Employees strongly object to operating machinery so equipped and allege that a diminution of safety results

from impaired vision and being required to operate in cramped positions, causing the following hazards and unsafe practices:

(1) Miners attempt to operate the machinery while standing between it and the rib, thus incurring a risk of being crushed should the machine slue;

(2) The combination of impaired vision and cramped positions cause the operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib;

(3) Ingress and egress from the cab is limited and effectively prevents quick escape when mining conditions warrant such escape;

(4) Impaired vision is given as a major cause by machine operators for the damaging or severing of power cables by running over them; and

(5) Impaired vision subjects the operator and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

7. At present, Petitioner is unaware of any proposed commercially manufactured canopy which could be installed which would provide the same degree of safety to miners as the complete removal of the canopy would provide.

8. The alternate method Petitioner proposes to establish, in lieu of the mandatory standard, is the elimination of canopies on its face machinery, including shuttle cars, until such time as technology establishes, beyond doubt, that canopies can be safely used in Petitioner's mines, and have sufficient ground clearance to penetrate the Clarion 4-A seam of coal when operating in or below the coal heights indicated herein.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 24, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

BRUCE A. BURNS,
Acting Director,
Office of Hearings and Appeals.

APRIL 13, 1976.

[FR Doc.76-11597 Filed 4-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A334]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Wisconsin Counties as a result of various adverse weather conditions shown in the following chart:

Ashland—Drought July 1 through September 1, 1975, caused severe damages and losses to corn, oats, hay, barley, and pastures.

Columbia—Drought June 12 through August 22, 1975, caused severe damages and losses to crops, hay and vegetables.

Jackson—Drought July 1 through August 22, 1975, and excessive rainfall August 23, 24 and 25, 1975, caused severe damages and losses to crops.

Lincoln—Drought July 1 through August 25, 1975; high winds August 25, 1975, caused severe damages and losses to hay, pastures, and crops.

Rusk—Excessive rainfall May 25 through June 7, 1975; drought July 1 through August 15, 1975; tornado, hail and wind August 24, 1975; excessive rainfall August 20 through October 3, 1975, caused severe damage and losses to crops and hay.

Sawyer—Drought July 1 through September 1, 1975, caused severe damages and losses to hay, pasture and crops.

Shawano—Excessive rainfall May 10 through May 30, 1975; windstorm July 18, 1975; hailstorm August 10, 1975, and drought June 15 through August 20, 1975, caused severe damages and losses to hay and crops.

Taylor—Excessive rainfall and flooding May 1 through June 30, 1975; drought July 1 through August 31, 1975; high winds August 24 and 25, 1975, caused severe damages and losses to hay, pastures and crops.

Wood—Excessive rainfall July 5, 1975; drought July 6 through August 20, 1975; excessive rainfall August 21 through August 28, 1975, caused severe damages and losses to hay and crops.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for emergency loans must be received by this Department no later than June 1, 1976, for physical losses and January 3, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 16th day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-11704 Filed 4-21-76;8:45 am]

Forest Service

DELTA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Delta Unit Plan, Delta National Forest, USDA-FS-R8-FES-ADM 76-04.

The Delta National Forest is one of six National Forests in Mississippi containing 59,157 acres in Sharkey County. Management actions include timber harvesting and other timber management activities, road construction and reconstruction, construction of levees for greentree reservoirs, slough control and the use of pesticides.

This Final Environmental Statement was transmitted to CEQ on April 15, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave. SW, Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Rd., Room 804, Atlanta, Georgia 30309.

USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Supervisor, B. F. Finison, Box 1291, Jackson, Mississippi 39205.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

JOHN T. DRAKE,
Deputy Forest Supervisor.

APRIL 15, 1976.

[FR Doc.76-11587 Filed 4-21-76; 8:45 am]

ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Routt National Forest Grazing Advisory Board will meet Wednesday, May 19, 1976 at 10:00 A.M. at the Yampa Valley Electric Association Building, Steamboat Spring, Colorado.

The purpose of the meeting is to elect a new member from the Middle Park area and to conduct the Board's annual business.

The meeting will be open to the public. Persons who wish to attend should notify Sam Haslem, Routt County Extension Office (303 879-0825) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Dated: April 12, 1976.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.76-11603 Filed 4-21-76; 8:45 am]

Soil Conservation Service HARQUAHALA VALLEY WATERSHED PROJECT, ARIZONA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the

Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Harquahala Valley Watershed Project, Maricopa, and Yuma Counties, Arizona. USDA-SCS-EIS-WS-(ADM)-76-2-(D)-AZ.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two floodwater retarding structures with associated floodways, diversions and a levee system. The work will involve 1.58 miles of new channel construction, 4.64 miles of new diversion construction and 9.45 miles of new levee. The system of structures will provide flood protection on an alluvial fan that contains 19,000 acres of irrigated cropland. All washes affected have ephemeral flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
Suite 326, 111 W. Monroe
Phoenix, Arizona 85003

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Thomas G. Rockenbaugh, State Conservationist, Soil Conservation Service, 3008 Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025.

Comments must be received on or before June 8, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 15, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.76-11588 Filed 4-21-76; 8:45 am]

DEPARTMENT OF COMMERCE Domestic and International Business Administration

COLORADO SCHOOL OF MINES Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-51, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00281. Applicant: Colorado School of Mines, Basic Engineering Department, Golden, Colorado 80401. Article: Pneumatic pipeline muck haulage system. Manufacturer: Radmark Engineering, Canada. Intended use of article: The article is intended to be used in a study to advance the technology of tunnel excavation by increasing the rate of muck removal in tunnels by means of a pneumatic pipeline system. Data will be gathered by operating the system under a variety of throughputs, with varying size distributions and moisture contents. Appropriate measurements will be taken to determine wear, energy requirements, etc. for each given set of operating conditions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to study the effect of moisture content on the system performance. The most closely comparable domestic system is manufactured by Fuller-Kinyon Conveying Systems. The domestic system does not provide the capability for the article as described above as it is basically a dry conveying system. The National Bureau of Standards (NBS) advises in its memorandum dated April 1, 1976 that (1) the capability of the foreign article described above is pertinent to the applicant's intended uses and (2) it knows of no domestic pneumatic pipeline muck haulage system of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-11569 Filed 4-21-76; 8:45 am]

SOUTHERN ILLINOIS UNIVERSITY Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-51, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00206-01-07500. Applicant: Southern Illinois University at Carbondale, Carbondale, Illinois 62901. Article: "Picker" Dynamic Flow Microcalorimeter, and accessories. Manufacturer: Sodev Inc., Canada. Intended use of article: The article is intended to be used to study biologically important reactions including interactions of small molecules with proteins, nucleic acids, membrane components and other biological macromolecules. (Ligand or small molecule binding to macromolecules will include both aqueous solutions as well as dissolved aqueous gaseous mixtures.) However, a primary use for the article will be for the study of denaturation of biomacromolecules by solutes and solvents. The primary aim of this work is to elucidate in as much detail as possible the free energy, enthalpy, and entropy profile for α -chymotrypsin catalysis of 3-(2-Furyl) Acryloylimidazole to imidazole and furylacrylic acid. Enthalpy and free energy values of some individual contributions will be sought which are exceedingly difficult to measure by non-calorimetric means and in most cases have never been evaluated.

The article is intended to be used for educational purposes in the following courses: Chemistry 598, Graduate Research and Chemistry 600, Dissertation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a stability of better than 0.001 degree centigrade, a sensitivity of 0.1 microcalorie per second, and a capability for differential heat measurement. The Department of Health, Education, and Welfare advises in its memorandum dated March 17, 1976 that (1) the characteristics of the article described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-11570 Filed 4-21-76; 8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific

article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00201-33-43400. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA. 95064. Article: Micro-manipulator, Model SM-20 and accessory, Model SM-19 electrode carrier. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: The article is intended to be used for studies of the neural mechanisms of choice (and learning) in *Pleurobranchae Californica*. The aim of the study is an understanding of a simple form of choice behavior, a behavior common to almost every animal, in terms of single neurons and their interconnections.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides digital "Z" axis readout, 0.1 micron calibration, and an electrode carrier which permits repeated precise placing of very small microelectrodes. The Department of Health, Education, and Welfare advises in its memorandum dated March 17, 1976 that (1) the capabilities of the article described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-11571 Filed 4-21-76; 8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00221. Applicant: University of Miami, Coral Gables, Florida 33124. Article: Current Meter, Model RCM-4 with 30 minute timing plug. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in an experiment to distinguish between motions of the density surface due to internal waves and apparent motions of a temperature surface. This study has a significant bearing on the usual method of measuring internal waves by measuring the temperature field.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities for measuring temperature, conductivity (salinity), pressure, current speed and direction as a function of time. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated February 10, 1976 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NOAA also advises that it knows of no domestic instruments or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-11572 Filed 4-21-76; 8:45 am]

UNIVERSITY OF ROCHESTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00231. Applicant: University of Rochester, 300 Crittenden Blvd., Rochester, New York 14642. Arti-

cle: A H E Multipurpose Reaction Timer, Model 1075 with 2 IEEE Display. Manufacturer: A. Hillis Electronics, Canada. Intended use of article: The article will be used for the identification of etiological factors, specifically attentional deficits, in the psychological disorder of schizophrenia. The article will provide the visual and auditory cues as well as the mode of response necessary for measuring attentional factors in schizophrenia.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is constructed according to very specific criteria to assure results comparable with those of other investigators using very similar equipment. The Department of Health, Education, and Welfare (HEW) in its memorandum dated March 30, 1976 advises that the specific design of the foreign article is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-11573 Filed 4-21-76; 8:45 am]

UNIVERSITY OF ROCHESTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00236. Applicant: University of Rochester School of Medicine and Dentistry, 575 Elmwood Avenue, Rochester, New York 14642. Article: Semi-Micro Osmometer, Type M and accessories. Manufacturer: Knauer and Company, West Germany. Intended use

of article: The article is intended to be used in studies of biological solutions (blood, urine, etc.), chemical solutions and colloidal dispersions. Specific use will be to measure osmolality of various radiological contrast medium preparations and resultant osmolality changes in animal biological fluids post injection.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article accepts samples as small as 0.15 milliliters. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 30, 1976 that the capability described above is pertinent to the applicant's research studies. HEW also advises that it knows of no domestic instrument that provides the pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Special Import Programs Division.

[FR Doc.76-11574 Filed 4-21-76; 8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, May 26, 1976 and, if needed, on Thursday, May 27, 1976 in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the first draft of and constructive comments on a proposed FIPS TG-13 report on guidelines for benchmarking computer systems.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards,

Washington, D.C., 20234 (Phone 301-921-3485).

Dated: April 16, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-11575 Filed 4-21-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 6-7, 1976.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, Phone: AC/404 633-3311, Extension 3701 FTS: 283-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider the current status of influenza vaccine in the prevention and control of epidemic influenza in the United States. It will also continue its regular review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 15, 1976.

WILLIAM C. WATSON, Jr.,
Director,
Center for Disease Control.

[FR Doc.76-11772 Filed 4-21-76; 8:45 am]

Food and Drug Administration

[Docket No. 76N-0081]

CONDITIONS FOR MARKETING INTRAOCULAR LENSES

Notice to Manufacturers

Correction

In FR Doc. 76-9782, appearing at page 14568 in the issue of Tuesday, April 6, 1976, the following changes should be made:

In the eighth line of the first paragraph of the document, the date now reading "October 7, 1976", should read "October 4, 1976."

In the first paragraph under the heading "Implementation of New Drug Procedures," appearing in the second column on page 14573, the phrase "(insert date 180 days after date of publication in the FEDERAL REGISTER)," should read "October 4, 1976."

In the fourth line of the first complete paragraph in the third column on page 14573, the date now reading "October 7, 1976," should read "October 4, 1976."

In the fourth line of the last paragraph in the third column on page 14573, the date now reading "October 7, 1976," should read "October 4, 1976."

[FDA-225-76-4007]

INSPECTION OF DELAWARE DRUG MANUFACTURERS, REPACKERS AND WHOLESALE

Memorandum of Understanding With the Delaware Board of Pharmacy

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Delaware Board of Pharmacy and the Food and Drug Administration have renewed their agreement concerning certain related objectives in carrying out their respective responsibilities. The memorandum of understanding, which sets forth the working arrangements to be followed concerning inspection of Delaware drug manufacturers, repackers, and wholesalers of mutual obligation reads as follows:

MEMORANDUM OF UNDERSTANDING, BETWEEN THE DELAWARE BOARD OF PHARMACY AND THE PHILADELPHIA DISTRICT, FOOD AND DRUG ADMINISTRATION

I. Purpose. It is the purpose of this understanding to provide more effective consumer protection through more efficient inspectional coverage of Delaware drug manufacturers, repackers, and wholesalers. The two agencies will coordinate their programs to maximize their manpower utilization with resultant elimination of duplicative efforts.

II. Work-sharing Program.

A. Goals and responsibilities: The Delaware Board of Pharmacy and FDA Philadelphia District Investigations Branch will share the responsibility for the inspection of all Delaware drug establishments of mutual obligation. Close coordination and communication will be maintained and joint planning and work scheduling will be performed to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance and, thus, consumer protection.

B. Inspectional obligation:

1. Inspection inventory: An inventory of firms covered by this understanding, hereafter referred to as the cooperative establishment inventory (CEI), as developed by both agencies, will be maintained by FDA's data processing unit (DPU). The CEI will be updated annually.

2. Registration information: The Delaware Board of Pharmacy will supply Philadelphia District FDA with drug registration infor-

mation. FDA will supply Delaware with current lists of drug firms registered with FDA.

3. Joint inspections: During the term of this understanding Board of Pharmacy inspectors will be invited to participate in each scheduled FDA inspection.

III. General Provisions.

A. Information exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection reports: Each agency will provide inspection report information to its partner agency. All such reports will be exchanged in a timely fashion not to exceed 3 weeks from the date of inspection for violative inspections.

2. Work schedules: Philadelphia District will send the Delaware Board of Pharmacy a copy of each Quarterly Investigations Branch Work Plan.

3. Correspondence: Copies of written correspondence to and from CEI firms in the form of warning, informational, or request letters will be exchanged in a timely fashion.

B. Drug sampling:

1. Collection: The Delaware Board of Pharmacy will assist Philadelphia District FDA in the collection of routine drug samples within the limits of its available manpower.

2. Assay: The Philadelphia District drug laboratory will assay drug samples when requested by the Delaware Board of Pharmacy within the limits of available resources.

C. Recall and emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems of drug origin.

1. Recall effectiveness checks: Delaware will assist FDA in checking the effectiveness of drug product recalls.

2. Disaster investigation: Delaware will assume responsibility for the investigation of disasters such as fire, flood, hurricane, carrier wreck involving possible drug contamination. The State will keep FDA informed by phone of the occurrence of such disasters and the progress of State investigation. It will request FDA assistance if needed.

D. Compliance follow-up:

1. Responsibility: It will be the responsibility of the agency which discovers a violation to determine the impact required to achieve compliance and to follow through to accomplish correction of the violation.

2. Impact: If the responsible agency determines that referral to its partner agency would be the most effective means of impact action, the agency to which the violation is referred will take all necessary steps within its legal authority to affect compliance.

E. Complaint investigations: When indicated, each agency will assist its partner to the extent possible in the investigation of complaints.

F. Training: FDA will provide formal and on-the-job training in drug inspection for enough state drug inspectors considered necessary by both agencies for satisfactory operation of a cooperative program.

G. Program review: Joint planning sessions will be held semi-annually to review this understanding, discuss the cooperative program, evaluate accomplishments, and plan future cooperative work. One session will be conducted in Dover, Delaware and one in Philadelphia, Pennsylvania. Each session will be arranged for and moderated by FDA's Region III Assistant Food and Drug Director for Intergovernmental Affairs. Minutes of each session will be prepared and distributed by the host agency.

H. Performance evaluation: A procedure for evaluation of the quality of program performance will be developed and set into operation during the term of this understanding.

IV. Term of Understanding. This understanding will expire on March 31, 1977, un-

less renewed and signed by the heads of both cooperating agencies to continue it in effect for another year.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the Delaware Board of Pharmacy:

Dated: March 15, 1976.

MARVIN WIEN,
President,
Delaware Board of Pharmacy.

MARTIN GOLDEN,
Executive Secretary,
Delaware Board of Pharmacy.

Approved and accepted for the Food and Drug Administration:

Dated: March 18, 1976.

LOREN Y. JOHNSON,
Deputy Regional Food and Drug Director,
Food and Drug Administration,
Philadelphia District.

Effective date. This Memorandum of Understanding became effective March 18, 1976.

Dated: April 16, 1976.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.76-11607 Filed 4-21-76;8:45 am]

[Docket No. 76N-0088]

SAFETY OF CERTAIN FOOD INGREDIENTS Opportunity for Public Hearing

The Food and Drug Administration is announcing an opportunity for public hearing on the safety of certain food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. Requests to make oral presentations at the public hearing must be postmarked on or before May 24, 1976.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Gum gualiac; Hydrosulfites; Sulfamic acid; Tall oil.

The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing

pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all of the available data and information on the categories of food ingredients listed above and has reached one of the four following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is

not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. While no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the four types of conclusions listed above), and the available information on which the Select Committee reached its conclusion.

| Substance | Select committee tentative conclusion | Scientific literature review | | Animal study report | | Other information |
|-------------------------|---------------------------------------|------------------------------|--------|---------------------|-----------|-------------------|
| | | Order number | Cost | Order number | Cost | |
| Gum guaiac..... | 1 | PB-228-547/AS | \$3.00 | None..... | None..... | None. |
| Hydroxylates: | | PB-228-551/AS | 3.00 | do..... | do..... | Do. |
| Sodium hydroxylate..... | 1 | | | | | |
| Zinc hydroxylate..... | 1 | | | | | |
| Sulfamic acid..... | 1 | PB-228-552/AS | 3.25 | do..... | do..... | Do. |
| Tall oil..... | 1 | PB-228-556/AS | 4.00 | do..... | do..... | Do. |

Reports in the table with PB prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151. They can also be purchased in microfiche form for \$2.25 each.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) gum guaiac, (2) hydroxylates (sodium and zinc), (3) sulfamic acid, and (4) tall oil are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda,

MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all such requests shall be placed on public display in that office. Any such request must be postmarked on or before May 24, 1976, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: April 16, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-11606 Filed 4-21-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[OILSR No. 0-2378-09-720; No. ED-76-5; Docket No. N-76-518]

TAMPA HIGHLANDS

Notice of Hearing

Notice is hereby given that: 1. Tampa Development Corporation, Developer of Tampa Highlands, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Suspension dated Mar. 11, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706 (b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted for Tampa Development Corporation, Tampa Highlands, located in Tampa, Florida, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated April 8, 1976, in answer to the allegations of the Notice of Suspension dated March 11, 1976.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 C.F.R. 1720.155(b), It is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in Room 7146, Department of Housing and Urban Development Building, 451 Seventh Street, S.W., Washington, D.C. on April 28, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 26, 1976.

5. The Respondent is hereby notified, That failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 C.F.R. 1720.155.

This Notice shall be served upon the Respondent forthwith pursuant to 24 C.F.R. 1720.440.

Dated: April 16, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc. 76-11661 Filed 4-21-76; 8:45 am]

Office of the Secretary

[Docket No. N-76-506]

PRIVACY ACT OF 1974

Proposed Amendments of Notice of Systems Records

On August 28, 1975, in accordance with the Privacy Act of 1974 the Department of Housing and Urban Development published its proposed Notice of Systems of Records (40 FR 39738 et seq.). By "Correction" published at 40 FR 43751 on September 23, 1975, the preamble to the proposed Notice of Systems of Records was added to the proposed Notice of Systems Records referred to above. The preamble included a statement that interested persons had the opportunity to comment on the routine uses of the systems on or before September 29, 1975.

The final Notice of Systems of Records was adopted on September 27, 1975, and published at 40 FR 47435 on October 8, 1975. However, because the invitation for public comment had been omitted the Department extended the comment period through October 31, 1975. No public comments were received. Nevertheless, comments from personnel within the Department suggested the necessity for certain refinements. Significant changes include:

1. The Department proposes to amend the General Statement of Routine Uses, applicable to all systems of records maintained by the Department and subject to the Privacy Act of 1974, P.L. 93-579, by adding a new General Routine Use for release of information to Members of Congress. This new routine use makes available to a Member of Congress, or staff acting upon the Member's behalf, Privacy Act records requested at the request of the individual who is the subject of the record. Interested persons may submit written data, views, or arguments in regard to this proposed routine use to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 on or before April 30, 1976. All written comments received through said date will be considered by the Department in determining whether publication of this proposed routine use would be in the public interest.

2. The Department proposes to amend the Statement of Routine Uses for the system of records designated as HUD/DEPT. 34 (Pay and Leave Records of Employees) by adding a routine use for the disclosure of information concerning pay, leave, benefits, retirement deductions and other information to the Civil Service Commission to the extent neces-

sary for the Commission to carry out its Government-wide personnel functions.

Interested persons may submit written data, views, or arguments in regard to this proposed routine use to the address set forth above on or before April 30, 1976. All written comments received through said date will be considered by the Department in determining whether publication of this proposed routine use would be in the public interest.

3. Record System designated HUD/FDAA-1 has been corrected to reflect that the system is a Housing Management System rather than a Federal Disaster Assistance System and accordingly has been designated as HM-2.

4. Record System designated HUD/DEPT. 32 (Mortgages—Delinquent/Default) has been amended to indicate its conversion from manual to automated operation.

A Finding of Inapplicability respecting the National Environment Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth below:

Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

Therefore, the Department of Housing and Urban Development adopts and proposes the following changes:

1. The Department proposes to add to the General Statement of Routine Uses the following:

1. General Statement of Routine Uses.

ROUTINE USE—DISCLOSURE PURSUANT TO CONGRESSIONAL INQUIRY

Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. HUD Privacy Act system of records HUD/DEPT. 34 is proposed to read as follows:

HUD/DEPT-34

System name: Pay and Leave Records of Employees.

System location: Department Central Office.

Categories of individuals covered by the system: HUD employees.

Categories of records in the system: Name, Social Security number and employee number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, state and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without

pay); time and attendance records, including number of regular, overtime holiday, Sunday and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution, of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Service and the individual. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Manual, machine-readable and magnetic media.

Retrievability: Name of employee; Social Security Number.

Safeguards: Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street S.W.
Washington, D.C. 20410

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial

denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to appeals of initial denials, the HUD Departmental Privacy Officer, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individuals, supervisors, timekeepers, official personnel records, and IRS.

3. HUD Privacy Act system of records HUD/DEPT. 32 is revised to read as follows:

HUD/DEPT-32

System name: Mortgages—Delinquent/Default.

System location: Many regional, insuring and service offices, as well as the Central Office, maintain files of this type. For a complete listing of these offices with addresses, see Appendix A.

Categories of individuals covered by the system: Mortgagors under single- and multi-family housing programs seeking assistance in preventing foreclosures; mortgagors whose mortgages are held by the Secretary; mortgagors whose payments are delinquent; mortgagors complaining about loan servicing; mortgagors under single- and multi-family housing programs; mortgagors servicing defaulted loans; banks lending money; builders, developers and other firms under multi-family programs; contractors, developers or lien holders under multi-family programs; builders, developers, real estate firms, contractors, appraisers, other corporations and firms making repair bids; defaulted borrowers; project owners; project managing agents; former owners; tenants; area managers; HUD personnel in area and regional offices.

Categories of records in the system: Foreclosure reports; bankruptcy reports; audit reports; inventory reports; monthly accounting records; credit documents; financial statements; mortgage delinquencies; records of collection efforts on defaulted loans; payment records of mortgagors under Section 234 of the National Housing Act; recertification of Section 235 National Housing Act; recertification violations of Section 235 mortgagors loan servicing; assistance for mortgagors in lowering payments of helping to make mortgage payments; geographic location of single-family mortgagors in default; project fiscal data; project processing activities that may have led to projects going into default; properties conveyed to HUD; property information supplied by HUD area managers; proposed transfers of physical assets; managing plans; present management capabilities; repair bids; fire inspections; post-closing complaints; congressional inquiries resulting from mortgagor complaints.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to FHA—

for insurance investigations; to IRS and GAO—for investigations; to state banking agencies—to aid in processing mortgagor complaints; to state housing and redevelopment agencies—for follow-up servicing; to mortgagors—to check on the status of cases and referrals of complaints; to counseling agencies—for counseling; to Legal Aid—to assist mortgagors.

Storage: Free text; Standard Forms 2068 and 2068S; binders, notebooks; magnetic tapes, drums, and discs.

Retrievability: Name; Social Security number; case file number; name of mortgagor; property address.

Safeguards: Records maintained in desks and lockable file cabinets; access to automated systems is by passwords and code identification cards; access limited to authorized personnel.

Retention and disposal: Obsolete records destroyed or shipped to Federal Records Center in compliance with HUD Handbook.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Officer, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories: Subject individual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; Federal Government agencies; non-federal government (including foreign, state and local) agencies; law enforcement agencies.

4. The Privacy Act system of records HUD/FDAA-1 is revised to read as follows:

HUD/HM-2

System name: HUD Temporary Housing Files.

System location: Contact appropriate Regional Emergency Services Officers for locations of field offices. For a complete listing of Regional Officers, see Appendix A.

Categories of individuals covered by the system: The files relate to disaster assistance functions. The files concern: builders, developers, real estate firms and other vendors, such as: mobile homes, furniture and truck rental, utility supplies and towing contractors; grant/project applicants for aid (individuals and organizations); equal opportunity; qualified bidders on procurements; HUD personnel and candidates for temporary and permanent positions, some of which are on response cadre; past, present and inactive tenants; candidates for permanent or temporary housing in facilities such as mobile homes, or who withdrew from such housing; victims of natural disasters (fire, flood, tornado) and their case files.

Categories of records in the system: Personal information is contained, such as names, addresses, sex, Social Security number, telephone number, wages, job location, family income, insurance data (relating to homes) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement in jobs or housing, requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include general administrative and fiscal information, including payroll, payment schedules and forms, travel vouchers, time and attendance records, applications, termination notices, individual and family grant programs, damage and relocation information, leases, contract, disaster cadre registers, listings of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid, sales information on homes after tenant purchase, listings of debarred contractors, and status of dispositions of applicants for housing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to the FBI—for investigation of possible Small Business Administration loan frauds; to GAO—for the investigation of files and to verify family composition, income and sources of housing plans; to the Small Business Administration—to verify household composition and actual disaster assistance; forwarding of addresses; information concerning contracts; to Local Departments of Public Assistance—for verification of occupancy of victims, their income and relocation; to House of Representatives—specific tenant information is given in response to a Congressional inquiry; to Post Office—in regard to location of individuals; to Departments of Motor Vehicles and State Tax Departments—to find serial number

and cost of mobile homes and vehicles; to Local Housing Authorities and departments of community affairs (by state) and the Committee on Economic Opportunity—to determine family compositions, income and sources of income and housing plans concerning relocation; to law enforcement agencies—for relocation information; to Local Housing Authorities and local township police—concerning the forwarding of addresses; to utility companies—in regard to lease dates and forwarding addresses; to Defense Department Investigating Service—concerning mobile home occupancy dates; to county investigating services—to verify address and number of people within households; to local relief and government agencies—information on victims and housing; property ownership; tax rebates; to disaster victims—in regard to disaster assistance and its termination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Some files are in free text form, such as notes, memos, ledger cards, printed cards and 3' x 5' cards, as well as daily reports. Other files are on Standard Forms Nos. SF 171, SF 52, SF 50, 491.1 or various certification forms relative to the need for assistance; or computer print-outs (some of which concern summaries of payments). Other forms of storage are file folders and Disaster Management Information Systems. Any computer files are controlled and reported at the Central Office level.

Retrievability: Administrative file systems are filed alphabetically and geographically by name and then by case file number. Direct Reimbursement Number, lease number, some are cross-referenced by Social Security number, application number, personal characteristics (e.g., age, marital status, GS level, etc.); subject matter; designated disaster and area; functional assignment cards; accession to record group number. Most correspondence written in free text is filed by title of office and office designation. Some active files are within the program subject file classification method.

Safeguards: Records exist in cardboard boxes, lockable desks, in notebooks in bookcases, in tape-disc libraries, in lockable file cabinets, or in central files outside local offices. Records are kept in buildings which are secured after work hours, and most offices are locked when unattended. Confidential files are seen only by authorized personnel (in Regional Emergency Offices). Other files are seen only by personnel authorized to enter offices (whose names are posted on lists) and who are overseen by Disaster Assistance employees. In military installations, the records are maintained in locked areas; only authorized personnel have keys to files or offices. Computer and data files are stored in computer facilities which are secured and accessible only to authorized personnel; all files are stored in a secured area. Technical constraints are employed with regard to access and the methods employed in

order to maintain security include the use of unique account codes; file qualifiers; file names, read/write protection keys; site identification codes; run identification codes; and password codes.

Retention and disposal: Some files are active and kept up-to-date, but usually only when an individual is receiving assistance. Other files are inactive and historical only, unless a follow-up on a case is needed within one year after the close-down of the Disaster Field Office. Other files are partly current and partly historical. Some files are permanently retained, others destroyed by shredding according to appropriate schedules, concerning disposal authority. When Disaster Field Offices are actively functioning, inactive case files are placed in inactive files. When Disaster Field Offices are inactive, case files are stored at record centers. However, when a Disaster Field Office has been audited and closed out, any pertinent records are shipped to Regional Offices. There is a periodic review of some files, which includes the removal of obsolete information. Once a tenant is terminated or has vacated a temporary residence, his or her records are placed in a "vacate file." Some files are eventually sent to the archives for permanent retention.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the appropriate location, if additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in system location, above.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Officer, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Record source categories: Social service and other state and city agencies; subject individuals; current or previous employers; credit bureaus; financial in-

stitutions; corporations or firms; Federal Government agencies; non-Federal Government agencies; law enforcement agencies; Disaster Field Offices; various numbered HUD forms; unnumbered survey forms; authorizations and statements.

5. The Privacy Act system HUD/ILSRO-1 is revised to read as follows:

HUD/ILSRO-1

System name: Interstate Land Sales Registration.

System location: Interstate Land Sales Registration Office, Central Office.

Categories of individuals covered by the system: Developers in interstate land sales.

Categories of records in the system: Statements of record, exemption orders, exemption advisory opinions, claims of exemption and unregistered developers; information about the progress, status and accuracy of disclosure statements; statistical records; budget estimates.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: to contractor—for keypunching; to lot purchasers and other members of the public inquiring or complaining about developers, and to developers in processing purchaser complaints.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File jackets by assigned developer or subdivision number with some information on magnetic tape/disc/drum.

Retrievability: Name of developer or subdivision or by assigned number.

Safeguards: Computer facilities are secured and accessible only by authorized personnel, and all other files are stored in a secured area. Technical restraints are employed with regard to access to the computer and data files. The file jackets, unless temporarily part of an investigative file, are accessible to the general public, and copies are available, through the Interstate Land Sales Registration Office.

Retention and disposal: Record system is active and kept up-to-date.

System manager(s) and address:

Director
Office of Organization and Management Information
Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Notification procedure: For inquiry about existence of records, contact the Privacy Officer at the Central Office in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the Central Office location given in Appendix A.

Record access procedures: The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, con-

tact the Privacy Officer at the Central Office at the location given in Appendix A.

Contesting record procedures: The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting the HUD Department Privacy Officer, Office of Organization and Management Information, 451 Seventh Street, S.W., Washington, D.C., 20410.

Record source categories: Developers' Data Transcription Sheets; statements of record, exemption orders, exemption advisory opinions and claims of exemption, field reports and purchase inquiries.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22609 appearing at page 39738 in the issue of Thursday, August 28, 1975, the following appendix should be added immediately following the last system, identified as HUD/ILSRO-2. This appendix also appeared as part of HUD's rulemaking document (40 FR 39729, issue of August 28, 1975).

APPENDIX-A—OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS AND REQUESTS FOR CORRECTION OR AMENDMENT

HEADQUARTERS

Privacy Officer, 451 Seventh Street, S.W., Washington, D.C. 20410.

REGION I

Regional Administrator, Room 710, 150 Causeway Street, Boston, Mass. 02114.

AREA OFFICES

Director, 999 Asylum Avenue, Hartford, Conn. 06105.
Director, Bullfinch Building, 15 New Chardon Street, Boston, Mass. 02114.
Director, Davison Building, 1230 Elm Street, Manchester, N.H. 03101.

INSURING OFFICES

Director, Federal Building and Post Office, 202 Harlow Street, Post Office Box 1357, Bangor, Me. 04401.
Director, 330 Post Office Annex, Providence, R.I. 02903.
Director, Federal Building, Elmwood Avenue, Post Office Box 989, Burlington, Vt. 05401.

REGION II

Regional Administrator, 26 Federal Plaza, Room 3541, New York, NY 10007.

AREA OFFICES

Director, The Parkade Building, 519 Federal Street, Camden, NJ 08103.
Director, Gateway One Bldg., Raymond Plaza, Newark, NJ 07102.
Director, Grant Building, 560 Main Street, Buffalo, NY 14202.
Director, 666 Fifth Avenue, New York, NY 10019.

COMMONWEALTH AREA OFFICE

Administrator, 255 Ponce de Leon Ave., Hato Rey, Puerto Rico, Mailing Address: G Post Office Box 3869, San Juan, Puerto Rico 00936.

INSURING OFFICE

Director, Westgate North, 30 Russell Road, Albany, NY 12206.

REGION III

Regional Administrator, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

AREA OFFICES

Director, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009.
Director, Two Hopkins Plaza, Mercantile Bank and Trust Bldg., Baltimore, MD 21202.
Director, Curtis Bldg., 625 Walnut St., Phila., Penna. 19106.
Director, Two Allegheny Ctr., Pittsburgh, Penna. 15212.
Director, 701 East Franklin Street, Richmond, Virginia 23219.

INSURING OFFICES

Director, Farmers Bank Bldg., 14th Floor, 919 Market St., Wilmington, Dela. 19801.
Director, New Federal Bldg., 500 Quarrier St., Post Office Box 2948, Charleston, West Virginia 25330.

SPECIAL RECOVERY OFFICE

Director, Lackawanna County Bldg., Spruce and Adams Ave., Scranton, Penna. 18503.

REGION IV

Regional Administrator, Room 211, Pershing Point Plaza, 1371 Peachtree Street, N.E., Atlanta, GA 30309.

AREA OFFICES

Director, 15 South 20th Street, Birmingham, ALA 35233.
Director, Peninsular Plaza, 661 Riverside Avenue, Jacksonville, FLA 32204.
Director, Peachtree Center Bldg., 230 Peachtree Street, N.W., Atlanta, GA 30303.
Director, Children's Hospital Foundation, 601 South Floyd Street, Post Office Box 1044, Louisville, KY 40201.
Director, 101-C Third Floor Jackson Mall, Woodrow Wilson Avenue, West, Jackson, Mississippi 39213.
Director, 2309 West Cone Blvd., Northwest Plaza, Greensboro, NC 27408.
Director, 1801 Main Street, Jefferson Square, Columbia, SC 29202.
Director, One Northshore Bldg., 1111 Northshore Drive, Knoxville, Tenn. 37919.

INSURING OFFICES

Director, 3001 Ponce de Leon Blvd., Coral Gables, FLA 33134.
Director, 4224-28 Henderson Blvd., Post Office Box 18165, Tampa, FLA 33679.
Director, 28th Floor, 100 North Main Street, Memphis, Tenn. 38103.
Director, U.S. Courthouse, Federal Bldg. Annex, 801 Broadway, Nashville, Tenn. 37203.

SERVICE OFFICE

Director, Porterfield Bldg., 3191 Maguire Blvd., Post Office Box 20200, Orlando, FLA 32802.

REGION V

Regional Administrator, 300 South Wacker Drive, Chicago, ILL 60606.

AREA OFFICES

Director, 17 North Dearborn Street, Chicago, ILL 60602.
Director, Willowbrook Five Bldg., 4720 Kinsway Drive, Indianapolis, IND 46205.
Director, 5th Floor, 1st National Bldg., 600 Woodward Avenue, Detroit, MI 48226.
Director, Griggs-Midway Bldg., 1821 University Ave., St. Paul, MINN 55104.

Director, 60 East Main St., Columbus, OH 43215.
Director, 744 North Fourth Street, Milwaukee, WIS 53203.

INSURING OFFICES

Director, Lincoln Tower Plaza, 524 South Second St., Room 600, Springfield, ILL 62704.
Director, Northbrook Bldg., No. II, 2922 Fuller Ave., N.E., Grand Rapids, MI 49505.
Director, Federal Office Bldg., 550 Main St., Rm. 9009, Cincinnati, OH 45202.
Director, 777 Rockwell, Cleveland, OH 44114.

REGION VI

Regional Administrator, Room 14C2, Earle Cabell Federal Bldg., U.S. Courthouse, 1100 Commerce St., Dallas, TEX 75202.

AREA OFFICES

Director, Room 1490, One Union National Plaza, Little Rock, ARK 72201.
Director, Plaza Tower, 1001 Howard Avenue, New Orleans, LA 70113.
Director, 301 North Hudson Street, Oklahoma City, OK 73102.
Director, 2001 Bryan Tower, 4th Floor, Dallas, TEX 75201.
Director, Kallison Bldg., 410 South Main Avenue, Post Office Box 9163, San Antonio, TEX 78285.

INSURING OFFICES

Director, New Federal Bldg., 500 Fannin, 6th Floor, Shreveport, LA 71120.
Director, 625 Truman Street, N.E., Albuquerque, NM 87110.
Director, 1708 Utica Square, Tulsa, OK 74152.
Director, 819 Taylor Street, Room 13A01 Federal Bldg., Fort Worth, TEX 76102.
Director, Two Greenway Plaza East, Suite 200, Houston, TEX 77046.
Director, Courthouse and Federal Office Bldg., 1205 Texas Avenue, Post Office Box 1647, Lubbock, TEX 79408.

SERVICE OFFICE

Director, Mills Building, 303 North Oregon, El Paso, TEX 79901.

REGION VII

Regional Administrator, Federal Office Bldg., Rm. 300, 911 Walnut Street, Kansas City, MO 64106.

AREA OFFICES

Director, Two Gateway Center, 4th and State Streets, Kansas City, Kansas 77101.
Director, 210 North 12th Street, St. Louis, MO 63101.
Director, Univac Bldg., 7100 West Center Rd., Omaha, NEB 68106.

INSURING OFFICES

Director, 210 Walnut Street, Rm. 259, Federal Bldg., Des Moines, Iowa 50309.
Director, 700 Kansas Avenue, Topeka, Kansas 66603.

REGION VIII

Regional Administrator, Federal Bldg., 1961 Stout Street, Denver, Colorado 80202.

INSURING OFFICES

Director, 4th Floor, Title Bldg., 909-17th Street, Denver, Colorado 80202.
Director, 616 Helena Avenue, Helena, Montana 59601.
Director, Federal Bldg., 653 Second Avenue, North, Post Office Box 2483, Fargo, ND 58102.
Director, 119 Federal Bldg., U.S. Courthouse, 400 S. Phillips Ave., Sioux Falls, SD 57102.
Director, 125 South State St., Post Office Box 11009, Salt Lake City, Utah 84111.
Director, Federal Office Bldg., 100 East B Street, Post Office Box 580, Casper, Wyoming 82601.

REGION IX

Regional Administrator, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102.

AREA OFFICES

Director, 2500 Wilshire Blvd., Los Angeles, CA 90057.
 Director, One Embarcadero Center, Suite 1600, San Francisco, CA 94111.

INSURING OFFICES

Director, 244 West Osborn Rd., Post Office Box 13468, Phoenix, Arizona 85002.
 Director, 801 Eye Street, Post Office Box 1978, Sacramento, CA 95809.
 Director, 110 West C Street, Post Office Box 2648, San Diego, CA 92112.
 Director, 34 Civic Center Plaza, Room 614, Santa Ana, CA 92701.
 Director, 1000 Bishop Street, 10th Floor, Post Office Box 3377, Honolulu, Hawaii 96813.
 Director, 1050 Bible Way, Post Office Box 4700, Reno, NEV 89505.

REGION X

Regional Administrator, Arcade Plaza Bldg., 1321 Second Ave., Seattle, WA 98101.

AREA OFFICES

Director, 520 Southwest Sixth Ave., Portland, Oregon 97204.
 Director, Arcade Plaza Bldg., 1321 Second Ave., Seattle, Washington 98101.

INSURING OFFICES

Director, 334 West Fifth Ave., Anchorage, Alaska 99501.
 Director, 331 Idaho St., Post Office Box 32, Boise, Idaho 83707.
 Director, West 920 Riverside Ave., Spokane, WA 99201.

Federal Disaster Assistance Administration

REGION I

Director, Room 2203-E, John F. Kennedy Federal Building, Boston, Mass. 02203.

REGION II

Director, 26 Federal Plaza, New York, NY 10007.

REGION III

Director, Curtis Bldg., 7th Floor, 6th and Walnut Streets, Phila., PA 19106.

REGION IV

Director, 1375 Peachtree St., N.E., Suite 750, Atlanta, GA 30309.

REGION V

Director, 300 South Wacker Dr., Room 520, Chicago, ILL 60606.

REGION VI

Director, Federal Bldg., Room 13C28, 1100 Commerce Street, Dallas, TX 75202.

REGION VII

Director, Federal Office Bldg., Room 407, 911 Walnut Street, Kansas City MO 64106.

REGION VIII

Director, Lincoln Tower Bldg., Room 1140, 1860 Lincoln, Denver, Colorado 80203.

REGION IX

Director, 120 Montgomery Street, San Francisco, CA 94104.

REGION X

Director, Arcade Bldg., Room M-16, 1319 Second Avenue, Seattle, WA 98101.

These are permanent offices. For location of the nearest temporary field office, contact the appropriate Regional FDAA Office.

Issued at Washington, D.C., March 26, 1976.

JOHN B. RHINELANDER,
*Acting Secretary of Housing
 and Urban Development.*

[FR Doc.76-11604 Filed 4-21-76; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

LOOP, INC.

Deepwater Port License Application
Public Hearing

Notice is hereby given that an initial public hearing pursuant to Section 5(g) of the Deepwater Port Act of 1974 (Pub. L. 93-627) will be held at 9:00 a.m. on Tuesday, May 25, 1976, in Rooms 9-10, Rivergate Convention Center, 4 Canal St., New Orleans, Louisiana. The hearing will be informal and conducted jointly by the U.S. Coast Guard, the Secretary of Transportation's Office of Deepwater Ports, and the U.S. Army Corps of Engineers.

The purpose of this hearing is to receive public views on an application filed with the Coast Guard by LOOP, INC., New Orleans, Louisiana (41 FR 3768). The applicant seeks all Federal authorizations required for a license to own, construct, and operate a deepwater port proposed in the Gulf of Mexico, approximately 20 miles south of Grand Isle, LA. Views will also be heard on the attendant Environmental Impact Statement (EIS) being prepared and processed by the Coast Guard, as lead Federal agency, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

The proposed deepwater port will require a license issued by the Secretary of Transportation approving those elements of the port that are located seaward of the Louisiana coastal high water mark. The license document will also include other Federal authorizations, particularly permits required by the Corps of Engineers for work the applicant proposes to do in navigable waters of the U.S. related to the proposed deepwater port offshore facilities.

The draft EIS for the project has been filed with the President's Council on Environmental Quality and made available to the public. The draft EIS and a copy of the license application are available for public inspection during normal business hours at the following locations:

Commandant (G-WDWP/61), U.S. Coast Guard, Room 6125, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590

Office of the Commander (mps), Eighth Coast Guard District, Room 1341, Hale Boggs Federal Building, 500 Camp St., New Orleans, LA 70130

U.S. Army Engineer District, New Orleans, Corps of Engineers, Building No. 18, Foot of Prytanis St., New Orleans, LA 70118

Any person desiring to appear and be heard at this public hearing may do so. Information and material relevant to the issuance or denial of the deepwater port license and other related Federal authorizations is welcome. Interested persons may submit briefs and oral argument at a time determined by the Presiding Officer during the hearing. Persons unable to attend the hearing or those in attendance who wish to submit supplemental information may do so within 15 days after the date of the hearing at which time the hearing record will be closed.

Persons planning to make hearing presentations are encouraged to submit their views, in writing, to the Commandant, (G-WDWP/61), 400 Seventh Street, S.W., Washington, D.C. 20590 seven days prior to the hearing, indicating for oral presentations the approximate amount of time required to make their presentation. Time limitations may be imposed by the Presiding Officer, within his sole discretion, at any time during the hearing. Organizations or groups of individuals are requested to limit their presentations to a single speaker on behalf of the organization or group.

Comments previously submitted in response to a public notice issued by the New Orleans District Corps of Engineers on April 16, 1976 (Public Notice LMNOD-SP, (LaFourche Parish Wetlands) 68 concerning project information of particular concern to the Corps) should not be duplicated, in the interest of making a clear record of this proceeding. Likewise, comment on the draft EIS already submitted or intended to be submitted in response to the usual EIS development and processing procedures need not be presented at the hearing.

A transcript will be made of the hearing. This record will be available for examination by interested persons, during normal business hours, at the addresses listed in the fourth paragraph of this notice.

((88 Stat. 2134, 33 U.S.C. 1504(g)); 49 CFR 1.46)

Dated: April 15, 1976.

D. J. RILEY,
*Captain, U.S. Coast Guard, Acting
 Chief, Office of Marine
 Environment and Systems.*

[FR Doc.76-11679 Filed 4-21-76; 8:45 am]

[CGD 76-067]

NATIONAL OFFSHORE OPERATIONS
INDUSTRY ADVISORY COMMITTEE
Open Meeting

The National Offshore Operations Industry Advisory Committee will conduct

an open meeting May 25-26, 1976, at the Travel Lodge, 250 Beach Street, San Francisco, California. The meeting is scheduled to begin at 9:00 a.m. on May 25, 1976.

The agenda for this meeting of the National Offshore Operations Industry Advisory Committee is as follows:

- (1) Mobile drill unit regulations
- (2) Personnel and licensing
- (3) Admeasurement and stability
- (4) Offshore operations safety
- (5) Subsea operations
- (6) Environmental affairs
- (7) Law of the sea
- (8) Navigation safety requirements
- (9) Safety survey of offshore oil and mineral vessels
- (10) Review of fairway adequacy
- (11) Review of existing regulations
- (12) Other appropriate matters that may be brought before the committee.

The Coast Guard National Offshore Operations Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to offshore operations and the coastal environment including, but not limited to, offshore oil and mineral exploitation, transmission of energy resources, and support activities.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Captain G. K. Greiner, Jr., Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590.

or by calling 202-426-1477.

This Notice is issued under section 10(a) of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: April 15, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Merchant Marine Safety.

[FR Doc. 76-11684 Filed 4-21-76; 8:45 am]

[CGD 76 073]

PORT OF NEW YORK

Temporary Local Regulations

Pursuant to the authority contained in 33 U.S.C. 1224, 46 U.S.C. 454, and 33 C.F.R. Parts 100 and 160, Commander, Third Coast Guard District, has issued Temporary Local Regulations affecting navigation in the Port of New York during the period 2 July to 5 July 1976.

During this period it is anticipated that over 5,000 vessels ranging from small pleasure vessels to large naval vessels and sail training ships will be present in the Port watching or participating in a scheduled International Naval Review, the Marine Parade of Operation Sail and other activities.

Approximately 56 large naval vessels from 20 countries will arrive and anchor

in lines from the Verrazano Narrows Bridge to the George Washington Bridge. These naval vessels will lie at anchor until the afternoon of 4 July, at which time they will proceed to berths at various locations within the Port.

Approximately 250 sail training ships and sailing vessels participating in Operation Sail 1976 will arrive in the Port commencing 2 July 1976 and will anchor in Sandy Hook Bay and Gravesend Bay. They will form in a staging area south of the Verrazano Narrows Bridge on the morning of 4 July and proceed in a column north to the George Washington Bridge in the Hudson River.

Vessels in the marine parade will turn around in the vicinity of the bridge and proceed southward to various berths in the Port of New York.

A large contingent of smaller vessels participating in OPERATION SAIL '76 is scheduled to transit southbound through Hellgate in the East River on the afternoons of 2 July and 3 July 1976.

A fireworks display is scheduled for the evening of 4 July 1976, with fireworks being launched from Liberty Island, Ellis Island, Governors Island, and from three barges anchored in the upper bay.

Hazardous conditions resulting from the unprecedented large number of spectator vessels anticipated, the concentration of large anchored naval vessels, and the operating characteristics of vessels participating in the Operation Sail 1976 Marine Parade require Temporary Local Regulations to promote safety.

The Temporary Local Regulations temporarily disestablish certain anchorage areas, and establish other temporary anchorage areas for use by certain classes of vessels. In addition, they restrict navigation of boats and spectator craft to provide a clear zone for the Operation Sail 1976 Marine Parade. They also restrict navigation in the upper bay during the fireworks display, and in the East River during the scheduled transits of participating vessels.

Non-passenger carrying commercial vessel traffic is in part curtailed on 4 July 1976.

TEMPORARY LOCAL REGULATIONS

PORT OF NEW YORK

2-5 July 1976

1. GENERAL. The following temporary local regulations are issued to augment those regulations which govern navigation in the Port of New York contained in Title 33, Code of Federal Regulations. These temporary local regulations will affect navigation in the Port of New York during the period 1:14 p.m., 2 July to 6:00 a.m., 5 July 1976, and are required because of hazardous conditions that will be occasioned by the arrival of a large number of sail training ships, naval vessels, and spectator craft participating in and observing an International Naval Review and Operation Sail 1976. All times are given in Eastern Daylight Savings Time. These temporary local regulations are issued under the authority of 46 U.S.C. 454, 33 U.S.C. 1224, and 33 C.F.R. Parts 100 and 160.

2. DEFINITIONS. The following definitions will be applicable for purposes of these regulations.

a. "VESSEL" includes every description of watercraft, used or capable of being used as a means of transportation on the water, except public vessels.

b. "BOAT" means any vessel manufactured or used primarily for non-commercial use; leased, rented, or chartered to another for the latter's non-commercial use, or engaged in the carrying of six or fewer passengers and all tugboats and towboats.

c. "PUBLIC VESSEL" means a vessel owned, employed, or bareboat chartered and operated by the United States or by a State or political subdivision thereof, and engaged in law enforcement activities.

d. "COMMERCIAL VESSEL" includes any vessel that would be governed by the regulations contained in Title 46, Code of Federal Regulations, Chapter I, Subchapter D, Subchapter H or Subchapter I, including foreign vessels otherwise exempt by virtue of 46 C.F.R. 30.015(e), 70.053(b), and 90.051(a)(1), except vessels defined as "BOATS" shall not be included.

e. "SPECTATOR VESSEL" shall include any commercial vessel primarily carrying passengers but not engaged in an international voyage, or any vessel subject to the regulations contained in Title 46, Code of Federal Regulations, Chapter I, Subchapter R or Subchapter T.

f. "OPSAIL '76 VESSELS" shall include all vessels participating in Operation Sail 1976 under the auspices of the Marine Event Application submitted by OPERATION SAIL 1976 INC.

g. "NAVAL VESSELS" shall include United States Navy and Coast Guard vessels and foreign naval vessels participating in the International Naval Review to be held on 4 July 1976 in New York Harbor and being sponsored by the United States Navy.

h. "NAVIGATE" includes being underway and anchored.

i. "NEW YORK HARBOR" is defined as including the following waterways: Narrows, Upper Bay, East River, and Hudson River to Latitude 40°54'00" North. Kill Van Kull, Newark Bay, and Arthur Kill will not be considered within New York Harbor.

j. "UPPER BAY" means the waters of New York Harbor bounded by the following coordinates: Beginning at Latitude 40°37'00" North, Longitude 74°04'00" West; thence, to Latitude 40°42'00" North, Longitude 74°04'00" West; thence to Latitude 40°42'00" North, Longitude 74°01'00" West; thence to Latitude 40°37'00" North, Longitude 74°02'00" West; thence to the beginning.

k. "NARROWS" means the waters of New York Harbor bounded by the following coordinates: Beginning at Latitude 40°36'00" North, Longitude 74°04'00" West; thence to Latitude 40°37'00" North, Longitude 74°04'00" West; thence to Latitude 40°37'00" North, Longitude 74°02'00" West; thence to Latitude 40°36'00" North, Longitude 74°02'00" West; thence to the beginning.

3. VESSEL MOVEMENT.

a. *Hell Gate, East River.* Commencing 1:14 p.m., and until 8:33 p.m., 2 July 1976 and commencing 2:07 p.m., and until 9:31 p.m., 3 July 1976, the area north of Latitude 40°46'30" North and west of Longitude 73°55'00" West in the East River is restricted to oneway southbound traffic. No vessel shall transit this area northbound during this period.

b. *Staging Area, South of Narrows.* Commencing 8:00 a.m., until 1:00 p.m., 4 July 1976, no commercial vessel shall navigate in the area bounded by the following coordinates: Beginning at Latitude 40°33'30" North, Longitude 74°02'09" West, thence to Latitude 40°36'00" North, Longitude 74°03'00" West, thence to Latitude 40°36'00" North, Longitude 74°02'00" West, thence to Latitude 40°33'30" North, Longitude 74°01'13" West, thence to the beginning.

c. *Upper Bay and Narrows.* Commencing 10:00 a.m., until 4:00 p.m., 4 July 1976, no commercial vessel shall navigate in the Upper Bay and Narrows.

d. *Hudson River.* Commencing 11:00 a.m., until 8:00 p.m., 4 July 1976, no commercial vessels shall navigate in the Hudson River from Latitude 40°42'00" North to Latitude 40°54'00" North.

e. *Chapel Hill South Channel.* Commencing 7:00 a.m., until 11:55 a.m., 4 July 1976, no vessel except OPSAIL '76 vessels shall navigate in Chapel Hill South Channel.

f. *Marine Parade Route, Narrows.* Commencing 10:00 a.m., and until 1:45 p.m., 4 July 1976, no vessel other than OPSAIL '76 vessels and naval vessels shall navigate in the area bounded by the following coordinates: Beginning at Latitude 40°38'26" North, Longitude 74°02'36" West, thence to Latitude 40°38'51" North, Longitude 74°03'20.5" West, thence to Latitude 40°38'52" North, Longitude 74°03'37" West, thence to Latitude 40°36'21" North, Longitude 74°02'51" West, thence to the beginning.

g. *Marine Parade Route, Upper Bay.* Commencing 11:00 a.m., until 3:00 p.m., 4 July 1976, no vessel other than OPSAIL '76 vessels and naval vessels shall navigate in the area bounded by the following coordinates: Beginning at Latitude 40°38'51" North, Longitude 74°03'20.5" West, thence to Latitude 40°41'46" North, Longitude 74°01'26.5" West, thence to Latitude 40°41'47.5" North, Longitude 74°01'43" West, thence to Latitude 40°38'52" North, Longitude 74°03'37" West, thence to the beginning.

(h) *Marine Parade Route South of George Washington Bridge, Hudson River.* Commencing 11:00 a.m., and until 8:00 p.m., 4 July 1976, no vessel except OPSAIL '76 vessels, naval vessels, and assisting tugboats shall navigate in the area bounded by the following coordinates: Beginning at Latitude 40°41'46" North, Longitude 74°01'26.5" West, thence to Latitude 40°45'25" North, Longitude 74°00'45" West, thence to Latitude 40°29'25.5" North, Longitude 73°58'01.5" West, thence to Latitude 40°50'15" North, Longitude 73°57'15.5" West, thence to Latitude 40°51'02" North,

Longitude 73°56'56" West, thence to Latitude 40°53'00" North, Longitude 73°55'32" West, thence to Latitude 40°53'00" North, Longitude 73°55'47.5" West, thence to Latitude 40°51'05" North, Longitude 73°57'11" West, thence to Latitude 40°50'19" North, Longitude 73°57'30" West, thence to Latitude 40°49'31.5" North, Longitude 73°58'15" West, thence to Latitude 40°45'29" North, Longitude 74°00'59.5" West, thence to Latitude 40°41'47.5" North, Longitude 74°01'43" West, thence to the beginning.

i. *Marine Parade Route North of George Washington Bridge, Hudson River.* Commencing 2:00 p.m., and until 5:00 p.m., 4 July 1976, no vessel other than OPSAIL '76 vessels, naval vessels, and assisting tugboats shall navigate in the Hudson River from Latitude 40°52'00" North to Latitude 40°54'00" North.

j. *Fireworks Display Area, Upper Bay.* Commencing 8:45 p.m., and until 9:45 p.m., 4 July 1976, no vessel shall navigate in the area bounded by the following coordinates: Beginning at Latitude 40°41'03.5" North, Longitude 74°01'37.5" West, thence to Latitude 40°41'18.5" North, Longitude 74°02'41.0" West, thence to Latitude 40°41'27.0" North, Longitude 74°02'51.2" West, thence to Latitude 40°41'52.5" North, Longitude 74°02'39" West, thence to Latitude 40°41'53" North, Longitude 74°01'00" West, thence to Latitude 40°41'35" North, Longitude 74°00'57" West, thence to the beginning.

k. *Staten Island Ferries.* The City of New York Department of Marine and Aviation ferries, while engaged in normal ferry service, are excluded from the requirements of 3.g. between the hours of 11:00 a.m., to 11:45 a.m., 4 July 1976 and 1:30 p.m., to 3:00 p.m., 4 July 1976, but in no event shall such ferries pass between or otherwise interfere with OPSAIL '76 vessels engaged in the marine parade.

4. ANCHORAGE AREAS DISESTABLISHED. Certain anchorages are being temporarily disestablished. Mariners are advised that except in great emergency it is unlawful to anchor in the Port of New York except in established anchorage areas. See 33 CFR § 110.155 (1).

a. The following anchorages will be temporarily disestablished commencing 6:00 a.m., 3 July 1976 until 6:00 a.m., 5 July 1976: Anchorages Nos. 23A, 23B, and 24 (Stapleton Anchorage); Anchorages Nos. 21B, 21C (Bay Ridge Anchorage); Anchorages Nos. 20, 20A, 20B (New Jersey Shore Anchorages); Anchorage No. 19 (Hudson River); Anchorage No. 25 (Gravesend Bay Anchorage).

b. Commencing 6:00 a.m., 3 July 1976 until 11:55 a.m., 4 July 1976 Anchorage No. 49G (north of Naval Ammunition Depot Earle) is temporarily disestablished.

c. Commencing 6:00 a.m., 3 July 1976 until 11:55 a.m., 4 July 1976, that portion of Anchorage No. 26 bounded by the following coordinates is disestablished: Beginning at Latitude 40°27'00" North, Longitude 74°02'00" West, thence to Latitude 40°28'00" North, Longitude 74°02'27" West, thence to Latitude 40°28'30"

North, Longitude 74°01'43" West, thence to Latitude 40°28'00" North, Longitude 74°01'00" West, thence to the beginning. 74°01'00" West, thence to the beginning.

5. ANCHORAGE AREAS ESTABLISHED. Certain temporary anchorage areas are being temporarily established for certain classes of vessels. Mariners are cautioned that the areas designated have not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shoalest depths. In addition the anchorages are in areas of substantial currents, and not all anchorages are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary areas. These are not special anchorage areas. Vessels must display anchor lights required by the Navigation Rules.

a. *Governors Island Temporary Anchorage Area.* Commencing 6:00 a.m., until 4:00 p.m., 4 July 1976, the area bounded by the following coordinates is established as a temporary anchorage area for boats and spectator vessels greater than 100' LOA: Beginning at Latitude 40°41'00" North, Longitude 74°01'26" West, thence to Latitude 40°40'46.5" North, Longitude 74°01'45" West, thence to Latitude 40°40'53.5" North, Longitude 74°02'01.5" West, thence to Latitude 40°41'46" North, Longitude 74°01'27" West, thence to Latitude 40°41'35" North, Longitude 74°01'12.5" West, thence along the shoreline to the beginning.

b. *Narrows Temporary Anchorage.* Commencing 6:00 a.m., until 4:00 p.m., 4 July 1976 the area bounded by the following coordinates is established as a temporary anchorage area for boats and spectator vessels less than 100' LOA: Beginning at Latitude 40°38'00" North, Longitude 74°02'24" West, thence to Latitude 40°38'00" North, Longitude 74°02'37" West, thence to Latitude 40°37'21.5" North, Longitude 74°02'50" West, thence to Latitude 40°36'24" North, Longitude 74°02'30" West, thence to Latitude 40°36'29" North, Longitude 74°02'11.5" West, thence along the shoreline to the beginning.

c. *Boat and Spectator Vessel Anchorage Areas.* Commencing 6:00 a.m., 3 July until 6:00 a.m., 5 July 1976, the areas bounded by the following coordinates are established as anchorage areas for boats and spectator vessels:

(1) Beginning at Latitude 40°39'13" North, Longitude 74°03'50" West, thence to Latitude 40°39'10" North, Longitude 74°04'23" West, thence to Latitude 40°39'30" North, Longitude 74°04'08" West, thence to Latitude 40°39'26" North, Longitude 74°03'56" West, thence to the beginning;

(2) Beginning at Latitude 40°39'21" North, Longitude 74°04'56" West, thence to Latitude 40°39'14" North, Longitude 74°04'48" West, thence to Latitude 40°39'29" North, Longitude 74°04'20" West, thence to Latitude 40°39'48" North, Longitude 74°04'50" West, thence to the beginning;

(3) Beginning at Latitude 40°39'40" North, Longitude 74°03'35" West, thence

to Latitude 40°39'59" North, Longitude 74°03'57" West, thence to Latitude 40°40'12" North, Longitude 74°03'41" West, thence to Latitude 40°40'00" North, Longitude 74°03'22" West, thence to the beginning;

(4) Beginning at Latitude 40°40'14" North, Longitude 74°03'08" West, thence to Latitude 40°40'25" North, Longitude 74°03'23" West, thence to Latitude 40°40'38" North, Longitude 74°03'00" West, thence to Latitude 40°40'39" North, Longitude 74°02'51" West, thence to the beginning;

(5) Beginning at Latitude 40°40'42" North, Longitude 74°03'29" West, thence to Latitude 40°40'44" North, Longitude 74°02'57" West, thence to Latitude 40°41'05" North, Longitude 74°02'43" West, thence to Latitude 40°41'18" North, Longitude 74°03'14" West, thence to the beginning;

(6) Beginning at Latitude 40°41'31" North, Longitude 74°02'50" West, thence to Latitude 40°41'45" North, Longitude 74°02'50" West, thence to Latitude 40°41'33" North, Longitude 74°02'27" West, thence to Latitude 40°41'23" North, Longitude 74°02'32" West, thence to the beginning;

(7) Beginning at Latitude 40°41'37" North, Longitude 74°02'20" West, thence to Latitude 40°41'42" North, Longitude 74°02'32" West, thence to Latitude 40°41'46" North, Longitude 74°02'32" West, thence to Latitude 40°41'44" North, Longitude 74°02'16" West, thence to the beginning;

(8) Beginning at Latitude 40°41'56" North, Longitude 74°02'18" West, thence to Latitude 40°42'05" North, Longitude 74°01'59" West, thence to Latitude 40°42'06" North, Longitude 74°02'19" West, thence to Latitude 40°42'03" North, Longitude 74°02'25" West, thence to the beginning;

(9) Beginning at Latitude 40°40'21" North, Longitude 74°01'34" West, thence to Latitude 40°40'20" North, Longitude 74°01'28" West, thence to Latitude 40°39'49" North, Longitude 74°01'23" West, thence to Latitude 40°38'55" North, Longitude 74°02'19" West, thence to Latitude 40°39'03" North, Longitude 74°02'26" West, thence to the beginning;

(10) Commencing 6:00 a.m., until 4:00 p.m., 4 July 1976, the naval vessel anchorages established in 5.e. shall be available to boats and spectator vessels. Mariners are cautioned to anticipate larger vessels swinging at anchor and to take appropriate precautions.

d. OPSAIL '76 Vessel Anchorage Areas: Commencing 6:00 a.m., 3 July 1976 until 11:55 a.m., 4 July 1976, the areas bounded by the following coordinates are established as temporary anchorage areas for OPSAIL '76 vessels:

(1) Gravesend Bay, beginning at a point on the Coney Island shoreline at Latitude 40°34'36" North, Longitude 74°00'47" West, thence to Latitude 40°34'53" North, Longitude 74°01'56.5" West, thence to Latitude 40°35'24" North, Longitude 74°02'05" West, thence to Latitude 40°35'58" North, Longitude 74°02'18.5" West, thence to a point on the Brooklyn shoreline at Latitude

40°36'12.9" North, Longitude 74°01'24.2" West, thence following the shoreline to Latitude 40°36'06.8" North, Longitude 74°00'54.5" West, thence to Latitude 40°34'53.8" North, Longitude 74°00'23.5" West, thence following the shoreline to the point of beginning;

(2) Sandy Hook Bay, beginning at Latitude 40°27'00" North, Longitude 74°02'00" West, thence to Latitude 40°28'00" North, Longitude 74°02'27" West, thence to Latitude 40°28'30" North, Longitude 74°01'43" West, thence to Latitude 40°28'00" North, Longitude 74°01'00" West, thence to the beginning;

(3) North of Naval Ammunition Depot Earle, beginning at Latitude 40°28'33" North, Longitude 74°03'01" West, thence to Latitude 40°28'22" North, Longitude 74°02'20" West, thence to Latitude 40°27'48" North, Longitude 74°02'42" West, thence to Latitude 40°27'56" North, Longitude 74°03'02" West, thence to the beginning.

e. Naval Vessel Anchorage Areas: Commencing 6:00 a.m., 3 July 1976 until 6:00 a.m., 5 July 1976, the areas bounded by the following coordinates are established as temporary anchorage areas for naval vessels:

(1) Beginning at Latitude 40°38'36.5" North, Longitude 74°04'13.3" West, thence to Latitude 40°38'37" North, Longitude 74°03'49" West, thence to Latitude 40°38'22" North, Longitude 74°03'36" West, thence to Latitude 40°37'26.8" North, Longitude 74°03'18" West, thence to Latitude 40°37'23.2" North, Longitude 74°03'59" West, thence to Latitude 40°37'30.7" North, Longitude 74°04'04.5" West, thence to the point of beginning;

(2) Beginning at Latitude 40°37'23.2" North, Longitude 74°03'59" West, thence to Latitude 40°37'26.8" North, Longitude 74°03'18" West, thence to Latitude 40°36'25" North, Longitude 74°02'58" West, thence to a point on the Staten Island shoreline at Latitude 40°36'20" North, Longitude 74°03'14" West, thence to the point of beginning;

(3) Beginning at Latitude 40°40'23" North, Longitude 74°02'15" West, thence to Latitude 40°40'21" North, Longitude 74°01'34" West, thence to Latitude 40°39'04" North, Longitude 74°02'26" West, thence to Latitude 40°38'03" North, Longitude 74°02'49" West, thence to Latitude 40°38'03" North, Longitude 74°03'02" West, thence to Latitude 40°38'57" North, Longitude 74°03'10" West, thence to the beginning;

(4) Beginning at Latitude 40°39'00" North, Longitude 74°03'58" West, thence to Latitude 40°42'00" North, Longitude 74°02'00" West, thence to Latitude 40°42'00" North, Longitude 74°01'47" West, thence to Latitude 40°39'00" North, Longitude 74°03'45" West, thence to the beginning;

(5) Beginning at a point on the Manhattan shoreline at Latitude 40°46'47.8" North, Longitude 73°59'22.3" West, thence to Latitude 40°46'59.8" North, Longitude 73°59'52.8" West, thence to Latitude 40°47'42.5" North, Longitude 73°59'18" West, thence to Latitude 40°48'27" North, Longitude 73°58'45.5" West, thence to Latitude 40°49'28" North, Longitude 73°58'06.2" West, thence to Latitude 40°50'15.5" North, Longitude 73°57'18" West, thence to Latitude 40°51'02.3" North, Longitude 73°56'59" West, thence to a point on the Manhattan shoreline at Latitude 40°51'00.8" North, Longitude 73°56'51" West, thence following the shoreline to the point of beginning.

6. SPEED LIMIT.
a. Commencing 10:00 a.m., until 4:00 p.m., 4 July 1976, no vessel shall navigate in the Upper Bay and Narrows at a speed in excess of 8 knots, except by authorization of Captain of the Port, New York.
b. Commencing 11:00 a.m., until 8:00 p.m., 4 July 1976, no vessel shall navigate in the Hudson River from Latitude 40°42'00" North to Latitude 40°53'00" North at a speed in excess of 8 knots, except by authorization of Captain of the Port, New York.

7. PENALTIES. Violation of these regulations shall be subject to the penalties provided in 33 U.S.C. 1226, 1227, and 33 C.F.R. 160.15.
Issued at Governors Island, New York, New York, on 9 April 1976.

W. F. REA, III,
Commander,
Third Coast Guard District.

[FR Doc. 76-11683 Filed 4-21-76; 8:45 am]

[CGO 76-011 IH]

SEADOCK, INC.

Deepwater Port License Application Public Hearing

Notice is hereby given that an initial public hearing pursuant to Section 5(g) of the Deepwater Port Act of 1974 (Pub. L. 93-627) will be held at 9:00 a.m. on Thursday, May 27, 1976, in the Houston Lighting and Power Co. Auditorium, Junction Rtes 288 and 332, Freeport, Texas. The hearing will be informal and conducted jointly by the U.S. Coast Guard, the Secretary of Transportation's Office of Deepwater Ports, and the U.S. Army Corps of Engineers.

The purpose of this hearing is to receive public views on an application filed with the Coast Guard by Seadock, Inc., Houston, Texas (41 FR 3769). The applicant seeks all Federal authorizations required for a license to own, construct, and operate a deepwater port proposed in the Gulf of Mexico, approximately 26 miles south of Freeport, Texas. Views will also be heard on the attendant Environmental Impact Statement (EIS) being prepared and processed by the Coast Guard, as lead Federal agency, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

The proposed deepwater port will require a license issued by the Secretary of Transportation approving those elements of the port that are located seaward of the Texas coastal high water mark. The license document will also include other Federal authorizations, particularly permits required by the Corps of Engineers for work the applicant proposes to do in navigable waters of the

U.S. related to the proposed deepwater port offshore facilities.

The draft EIS for the project has been filed with the President's Council on Environmental Quality and made available to the public. The draft EIS and a copy of the license application are available for public inspection during normal business hours at the following locations:

Commandant (G-WDWP/61), U.S. Coast Guard, Room 6125, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590

Office of the Commander (mps), Eighth Coast Guard District, Room 1341, Hale Boggs Federal Building, 500 Camp St., New Orleans, La. 70130

Freeport Public Library, 410 Brazosport Boulevard, Freeport, Tex. 77542

Offices of the Galveston District, U.S. Army Corps of Engineers, 400 Barracuda, Galveston, Tex. 77550

Any person desiring to appear and be heard at this public hearing may do so. Information and material relevant to the issuance or denial of the deepwater port license and other related Federal authorizations is welcome. Interested persons may submit briefs and oral argument at a time determined by the Presiding Officer during the hearing. Persons unable to attend the hearing or those in attendance who wish to submit supplemental information may do so within 15 days after the date of the hearing at which time the hearing record will be closed.

Persons planning to make hearing presentations are encouraged to submit their views, in writing, to the Commandant, (G-WDWP/61), 400 Seventh Street, S.W., Washington, DC 20590 seven days prior to the hearing, indicating for oral presentations the approximate amount of time required to make their presentation. Time limitations may be imposed by the Presiding Officer, within his sole discretion, at any time during the hearing. Organizations or groups of individuals are requested to limit their presentations to a single speaker on behalf of the organization or group.

Comments previously submitted in response to a public notice issued by the Galveston District Corps of Engineers on February 23, 1976 (Public Notice SWGCO-RP, Permit Application 11183, concerning project information of particular concern to the Corps) should not be duplicated, in the interest of making a clear record of this proceeding. Likewise, comment on the draft EIS already submitted or intended to be submitted in response to the usual EIS development and processing procedures need not be presented at the hearing.

A transcript will be made of the hearing. This record will be available for examination by interested persons during normal business hours, at the addresses listed in the fourth paragraph of this notice.

(88 Stat. 2134, 33 U.S.C. 1504(g)); 49 CFR 1.46)

Dated: April 15, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting
Chief, Office of Marine
Environment and Systems.

[FR Doc.76-11678 Filed 4-21-76; 8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76-2; Notice 2]

ADVANCE MIXER, INC.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice denies the petition by Advance Mixer, Inc. of Fort Wayne, Indiana, ("AMI") to be excused from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. The company has applied on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on January 23, 1976, (41 FR 3501) and an opportunity afforded for comment.

AMI manufactured 21 trucks between March 1, 1975 and September 5, 1975, that it concluded did not comply with Standard No. 121. The noncompliance "consists principally of the absence of anti-skid equipment and smaller (4" instead of 6") front axle brakes." The company's arguments for inconsequentiality may be summarized as follows:

1. The unique rear-engine, front-discharge design of AMI's trucks results in stability in a panic stop, as the weight shift is materially lessened by the design.
2. The trucks are geared for a top speed of only 50 to 55 miles per hour.
3. The 700 trucks in service have experienced no difficulties in braking, and their drivers have made no complaints.
4. Temporary exemptions granted other manufacturers of front-discharge concrete mixer trucks (Rite-Way of Indiana Inc., Travel Batcher) represent an implicit determination by NHTSA that nonconforming trucks "would not pose a consequential safety hazard to the public arising from their braking characteristics."
5. The efficiency and reliability of anti-skid equipment have been called into question by numerous heavy vehicle manufacturers and therefore its omission on AMI's trucks should not be termed consequential.

Two comments were received on the petition, from Oshkosh Truck Corporation, which opposed it, and from Rocket Concrete Transport Mixer Company which recommended a blanket exemption from Standard No. 121 for all front load concrete mixer trucks if AMI's noncompliance was found to be inconsequential.

The arguments by AMI have been considered and rejected. Oshkosh, whose B series is similar to AMI's rear-engine front-discharge concrete mixer truck, contested AMI's opinion that vehicle stability is increased in a panic stop, and stated that "the same brakes, suspensions, axles and antiskid are required as on a conventional mixer chassis to meet the requirements of FMVSS 121." The argument that the trucks are geared for a top speed of only 50 to 55 mph is not relevant since all trucks whose maximum speed is not less than 45 mph must meet Standard No. 121. Nor does the agency find convincing AMI's argument that anti-skid equipment is inefficient and unreliable. Certain problems in service have occurred on buses, but in general the NHTSA has concluded that anti-lock systems are sufficiently reliable and will become more so, justifying their continued installation on air-braked vehicles in satisfaction of the standard's requirements for directional stability.

With respect to petitioner's competitors who have obtained temporary exemptions from Standard No. 121, it is not true that these exemptions represent an "implicit determination" that the nonconformity is inconsequential as it affects motor vehicle safety. Assuming for the sake of argument that the net effect upon traffic safety is the same, the Section 123 exemptions mentioned implement the policy that the public safety may under certain conditions be temporarily subordinated to the private economic hardship of a manufacturer. On the other hand, a determination of inconsequentiality under Section 157 means that the noncompliance concerned is so minor in nature that in the agency's judgment, the public will suffer no discernible harm if it is not corrected. The noncompliances with Standard No. 121, described in the company's petition for temporary exemption as failure to meet "stopping distances within the specified lane, the prohibition against wheel lock-up and the required dynamometer test on brake assemblies," cannot be termed minor. AMI has not met its burden of convincing this agency that these noncompliances are inconsequential as they affect motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 19, 1976.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.76-11715 Filed 4-21-76; 8:45 am]

[Docket No. IP76-5; Notice 1]

TRAVEL EQUIPMENT CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

Travel Equipment Corporation of Goshen, Indiana, has petitioned to be

exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.302, Federal Motor Vehicle Safety Standard No. 302, *Flammability of Interior Materials*, on the basis that it is inconsequential as it relates to motor vehicle safety.

At issue is the flammability of seat cushion material used in 180 of the company's 1973 model motor homes. This forms the basis of NHTSA's investigatory file, CIR 1077. The fabric was subjected to four NHTSA compliance tests in 1974 at two laboratories, and burned at an average rate of 5.5 inches per minute, 1.5 inch in excess of the standard's permissible maximum burn rate of 4 inches a minute. Travel Equipment Company has submitted 18 test reports on the fabric with no failures registered. It argues that the noncompliance is inconsequential because the material smolders but does not ignite in its real-world state, i.e. when the cushion is installed. The company originally agreed to replace the pillow case covers at no cost to owners, and while it does not now "absolutely reject a recall campaign", it believes that such "probably would not provide any real increased protection to vehicle owners". Finally, there have been no fires in the company's motor homes reported as attributable to seat cushion materials.

This notice of receipt of a petition for a temporary exemption is published in accordance with Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Travel Equipment Corp. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the *FEDERAL REGISTER*.

Comment closing date: June 7, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 19, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-11714 Filed 4-21-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION INVESTIGATION OF INDIAN HEALTH Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force No. 6's investigation of Indian Health.

Hearings have been scheduled May 4, 1976, at the BIA Education Resource Center, Room 56, 57, Window Rock, Arizona and May 14 and 15 at the U.S. Post Office Courthouse, 9th Floor, Room 923, Oklahoma City, starting all days at 9:00 a.m.

The hearings in Window Rock, Arizona on May 4 will hear testimony on the health needs of Indians in the Navajo area. The hearings in Oklahoma City on May 14 and 15 will hear testimony on the health needs of Indians in the bi-state area of Kansas and Oklahoma. These hearings are part of a series of regional hearings being conducted across the country by the Task Force.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force No. 6's investigation of Indian Health.

Dated: April 19, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-11716 Filed 4-21-76;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the first meeting of the National Advisory Committee on an Accessible Environment will be held on May 10-11, 9:00 a.m., at the Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, Va.

The National Advisory Committee on an Accessible Environment is estab-

lished under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792 et. seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first day, government spokespersons will discuss current activities and plans of the Architectural and Transportation Barriers Compliance Board. The proposed agenda calls for the Committee to convene into session at 2:30 p.m. to elect officers, and approve the Committee's FY 1977 budget. On the second day, the Committee will discuss its operating procedures, and activities during the current calendar year. It is also planned to have the Architectural and Transportation Barriers Compliance Board meet during the second day.

Persons interested in attending the meeting should contact Mr. Michael H. Albarelli, Special Assistant to the Executive Director, Architectural and Transportation Barriers Compliance Board, Mary E. Switzer Building, 330 C Street S.W., Washington, D.C. 20201, telephone (202) 245-1591.

Issued in Washington, D.C. on April 14, 1976.

JAMES JEFFERS,
Executive Director.

[FR Doc.76-11658 Filed 4-21-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27813, Agreement C.A.B. 25775; Order 76-4-50]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Issued under delegated authority April 12, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a conference held in Geneva on March 31, 1976.

The agreement would establish North/Central Pacific passenger fares from May 1, 1976 through September 30, 1976, and proposes a general three percent increase in normal first-class and economy fares, with the exception of normal fares to/from Alaska which would remain at status quo. All promotional fares would be increased five percent. The agreement supersedes North/Central Pacific Agreements C.A.B. 25549 and C.A.B. 25571 which were approved by the Board in Order 76-2-74 (February 20, 1976) but which never became effective.

¹ Neither the normal nor promotional fare increases would apply to fares from Japan.

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justifications should be set out in the tabular format suggested in Order 75-7-88 (July 17, 1975); historical data as reported to the Board in Form 41 reports by functional account for total transpacific services for the year ended December 31, 1975, adjusted to exclude market areas not covered by the agreement (e.g., South Pacific) and all scheduled cargo and charter operations pertaining to the North/Central Pacific market so as to establish the present economic status of scheduled passenger services in the North/Central Pacific market areas covered by the agreement. The carriers will also be expected to include a forecast for the year ending April 30, 1977 (the life of the agreement), both including and excluding the increased fares for which approval is sought. The carriers are expected to allocate costs between the passenger and cargo compartments of scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, Nonpriority Mail Rates, (Orders 70-4-9 and 70-4-10).²

Northwest Airlines, Inc., a non-IATA carrier, will be required to file data similar to that required of the IATA carriers. As noted in Order 76-2-74, Northwest is, of course, under no obligation, per se to justify IATA agreements. However, a full economic picture of U.S. carrier operations in the area under consideration is necessary for the Board to be in a position to make a meaningful evaluation in its disposition of the agreement.

Accordingly, it is ordered that:

1. All United States air carrier members of the International Air Transport Association providing North/Central Pacific combination service shall file, within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;
2. Northwest Airlines, Inc. shall file within 15 calendar days after the date of service of this order, data similar to that required of the IATA carriers;
3. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;
4. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after the date of service of this order; and
5. Insofar as air transportation as defined by the Act is concerned, tariffs im-

plementing the subject agreement shall not be filed in advance of Board action of the subject agreement.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL]

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc. 76-11686 Filed 4-21-76; 8:45 am]

[Docket 26856, Order 76-4-88]

UNITED AIR LINES, INC.

Carriers' Discount Fare Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington D.C. on the 19th day of April, 1976.

Acting upon a petition of United Air Lines, Inc. (United), the Board in Order 74-10-49 directed the carriers to show cause why they should not place expiration dates on those discount fares not then bearing an expiration date. The intent was to provide the periodic reevaluation determined necessary in the Domestic Passenger-Fare Investigation (Phase 5-Discount Fares) to ascertain whether or not a particular discount-fare program has proved profitable in the past, and can be expected to continue so in the future.

Objections to that order were filed by the Aviation Consumer Action Project (ACAP), and Allegheny Airlines, Inc. (Allegheny).² ACAP argued that the Board's directive would discourage the establishment of new discount fares and continuation of existing discount fares, at a time when the carriers should be encouraged to lower prices. Allegheny contended that imposition of expiry dates on pre-Phase 5 discount fares, on a summary basis, would be tantamount to a suspension of existing tariffs, which is beyond the Board's domestic statutory power.

We believe that, as a matter of sound ratemaking policy, all discount fares should bear expiration dates so as to encourage periodic review of those fares. While it is true that most discount fares now do bear expiry dates, we believe it appropriate to put all discount fares on the same footing. Among other things, requiring expiry dates may result in a number of the older, little-used discount fares being cleared from the tariffs as no longer productive. This would serve the purpose of fare simplification and facilitate consumer information programs on fares remaining in force.

We note that only one air carrier, Allegheny, has objected to the basic intent of the show-cause order on this matter. Allegheny's objection raises no matters not previously considered in the

order to show cause, nor has it presented any factual issues necessitating a hearing. We are not persuaded that our earlier directive was not within our statutory power, or that the basic rationale behind that decision is unreasonable. The Board's discount-fare policy determinations set forth in the Phase 5 decision were clearly not intended to be as narrowly circumscribed as Allegheny contends; otherwise, their practical effect would be significantly diluted.

We view ACAP's objection as essentially a misapprehension of the consequences of our directive. Since there are now only a small number of discount fares which do not bear expiry dates, the "burden" on the carriers which ACAP alleges will result from our directive is, in our opinion, greatly exaggerated. Moreover, subsequent to our Phase 5 decision the carriers have filed to extend a large number of discount fares beyond their initial term which indicates to us that a discount fare worth extending can withstand periodic scrutiny. Finally, we would observe that the requirement of placing expiry dates on discount fares has not deterred the carriers from proposing many new types of discount fares as evidenced by activity in this area during 1975.

Accordingly, we adopt the tentative findings and conclusions set forth in Order 74-10-49, except as follows. The specific expiration dates set forth in Show-Cause Order 74-10-49 have passed and so are no longer appropriate. We will therefore revise those dates as set forth below, and will allow for exceptions confined solely to the dates themselves.

Accordingly, upon consideration of the foregoing, and all other relevant matters,

It is ordered that:

1. All scheduled certificated air carriers shall file tariff revisions on at least 30 days' notice placing the following expiration dates on discount fares applicable to air transportation of persons within the 48 contiguous states and the District of Columbia not now bearing an expiration date:

| Type of discount fare | Expiration date ² |
|---|------------------------------|
| (a) Group (tour-basing & non-tour-basing) --- | Sept. 30, 1976. |
| (b) Individual tour-basing --- | Oct. 31, 1976. |
| (c) All other types of discount fares not included in (a) and (b) above --- | Nov. 30, 1976. |

² Carriers are, of course, free to fix earlier expiration dates than those indicated.

2. Exceptions to the dates set forth in the preceding ordering paragraph may be filed on or before the 10th day after date of service of this order. If no exceptions are filed within said 10-day period, ordering paragraph 1 shall become final without further order of the Board. If exceptions are filed within said 10-day period, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate; and

² In furnishing the data requested, each carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

¹ United Air Lines, Inc. also filed an objection limited to proposed expiration date for individual tour-basing fares vis-a-vis the peak summer season. The revised schedule adopted herein eliminates United concern by fixing all expiration dates after the coming summer.

3. Copies of this order be served upon all scheduled certificated air carriers providing air transportation within the 48 contiguous states and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-11687 Filed 4-21-76;8:45 am]

COMMITTEE FOR IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILE PRODUCTS FROM EL SALVADOR

Import Levels for Certain Cotton Textiles

APRIL 19, 1976.

On April 19, 1972, the United States Government concluded a bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a five-year period beginning on April 1, 1972. By an exchange of notes between the two governments, dated April 10 and May 16, 1973, the agreement was amended and extended through March 31, 1979. Among the provisions of the agreement, as amended and extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 15, and 31 for the agreement year beginning on April 1, 1976.

There is published below a letter of April 19, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15, and 31, produced or manufactured in El Salvador, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning April 1, 1976, be limited to the designated levels.

Even though the Governments of the United States and El Salvador have not yet reached agreement on a new bilateral under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the United States Government has decided, in its implementation of the present agreement, to provide all of the liberalization provided under the Arrangement. Accordingly, the levels of restraint for the aforementioned categories are being increased by seven percent for the agreement year beginning on April 1, 1976.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed

to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance,
U.S. Department of Com-
merce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

April 19, 1976.

DEAR MR. COMMISSIONER: Under the terms of the Bilateral Cotton Textile Agreement of April 19, 1972, as amended and extended, between the Governments of the United States and El Salvador, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 22, 1976 and for the twelve-month period beginning on April 1, 1976, and extending through March 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, in excess of the following levels of restraint:

| Category: | 12-mo. levels of restraint |
|-----------------------|-------------------------------|
| 1/2/3/4 -----pounds-- | 435,966 |
| 9-----square yard-- | 1,769,513 |
| 15-----do----- | 1,179,675 |
| 31-----numbers-- | 1,694,935 |

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1976, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1976 and extending through March 31, 1976. In the event the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, as amended and extended, between the Governments of the United States and El Salvador.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the

foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Im-
plementation of Textile Agree-
ments, and Deputy Assistant Sec-
retary for Resources and Trade
Assistance, U.S. Department of
Commerce.

[FR Doc.76-11670 Filed 4-21-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRU- MENTS

Change in Agenda

Notice is hereby given of a change of meetings of the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments scheduled to be held on April 27 and 28, 1976, at the New Executive Office Building, 17th Street between Pennsylvania Avenue and H Streets, Washington, D.C., in Room 2008, beginning at 9:30 a.m. each day, as stated in the Federal Register of April 12, 1976 (41 F.R. 15362).

Only the Commodity Options Subcommittee will meet on these days. The original notice indicated the full Advisory Committee would meet both days.

The amended agenda is as follows:
April 27 and 28, Commodity Options Subcommittee

The Subcommittee will seek to approve its recommendations to the full Committee with respect to commodity options trading.

Dated: April 19, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR Doc.76-11736 Filed 4-21-76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

PRICES IN THE PAPER INDUSTRY

Public Hearing

On March 30, 1976, the Council on Wage and Price Stability announced its intention to study prices in the paper industry. This FEDERAL REGISTER notice is to announce the date, time, and place of public hearings where interested parties are invited to present their views on the subject.

The Council on Wage and Price Stability Act authorizes the Council to "review and analyze industrial capacity, demand, * * * and supply in various sectors of the economy," and to "monitor the economy as a whole by acquiring as appropriate, reports on wages, costs, productivity, prices, sales, profits, imports and exports." See Section 3(a) of the Council on Wage and Price Stability

Act, 12 U.S.C. Section 1904 note. The Council staff continually monitors price behavior in important sectors of the economy.

The Council is concerned that paper product price increases have far outstripped increases in the Wholesale Price Index in recent months. Likewise, capacity utilization in the industry is considerably higher than in the economy as a whole. There has been concern among economic analysts and industry officials that future increases in capacity will be inadequate to meet the paper needs of a growing economy, and that the result would be sharp increases in the prices of paper and other goods.

The Council invites testimony at its hearings on the following subjects: (1) the behavior of paper prices in the recent past; (2) the outlook for paper prices in the future, and, particularly, the likelihood of large price increases for particular products; and (3) the relationship of paper prices to industry capacity, including the adequacy of industry capacity to meet future demands without large price increases. Under the third heading, the Council is particularly interested in (a) the availability of new mill sites with adequate resources of wood, water, transportation, etc.; (b) access of paper companies to equity and debt markets; (c) the effects of increases in new mill costs; (d) the effects of uncertainty concerning future prices; and (e) the effects of pollution control regulations on investments, closures, and prices.

The hearings will be held on May 18, 1976 at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20506. Any person wishing to present views at this meeting should by May 10, 1976 submit his or her name, the nature of his or her interest in the paper study, a summary of the views to be presented, and the amount of time requested for presentation to Mr. Morris Feilbusch at the Council on Wage and Price Stability, Room 4020, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20506, telephone (202) 456-6757. Persons interested in observing, but not participating, should contact Mr. Morris Feilbusch by May 14, 1976 to arrange for building clearance.

MICHAEL H. MOSKOW,
Director.

[FR Doc.76-11872 Filed 4-21-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 802]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 19, 1976.

By the Chief, Common Carrier Bureau. The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examina-

tion, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 109(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21760-CD-P-76, Mahaffey Message Relay, Inc. (KUC870), C.P. to relocate facilities operating on 152.03 MHz to be located at 260 Mt. Pleasant Road, Collierville, Tennessee.
- 21761-CD-P-(2)-76, Phone Depots, Inc. d/b as Mobilephone Radio System (KEA254), C.P. for additional facilities to operate on 152.21 and 454.350 MHz to be located at a new site described as Loc. #5, 28 Misery Road, Huntington, New York.
- 21762-CD-P-76, Salinas Valley Radio Telephone Company (KMM694), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2, Fremont Peak, 10 miles N.E. of Salinas, California.
- 21763-CD-P-76, Salinas Valley Radio Telephone Company (KMA837), C.P. for additional facilities to operate on 152.18 MHz to be located at a new site described as Loc. #4, Fremont Peak, 10 miles N.E. of Salinas, California.
- 21764-CD-P-76, Telpage, Inc. (KLF653), C.P. to relocate facilities operating on 152.21 MHz to be located at 1576 Mt. Meigs Road, Montgomery, Alabama.
- 21765-CD-P-76, Airtsignal International of Philadelphia Pennsylvania, Inc. (KGC223), C.P. for additional facilities to operate on 35.22 MHz to be located at a new site de-

scribed as Loc. #8, 2½ miles ENE of Bridge, New Jersey.

- 21766-CD-P-(2)-76, Telpage, Inc. (KLF653), C.P. for additional facilities to operate on 152.06 and 152.15 MHz to be located at a new site described as Loc. #2, 1576 Mt. Meigs Road, Montgomery, Alabama.
- 21767-CD-P-76, Professional Comms, Inc. (New), C.P. for a new station to operate on 152.09 MHz to be located at 1.2 miles SW of Oil City Limits, Oil City, Pennsylvania.
- 21768-CD-P-76, Professional Communications, Inc. (New), C.P. for a new One Way Station to operate on 158.70 MHz to be located 1.2 miles SW of Oil City Limits, Oil City, Pennsylvania.
- 21769-CD-AL-76, Mobilphone of Paris (John A. Bearden) Consent to Assignment of Station License from John A. Bearden d/b as Mobilphone of Paris, Assignor, to Band Communications, Incorporated, Assignee. Call Sign: KUC921, Paris, Texas.
- 21770-CD-AL-76, John A. Bearden (Mobilphone of Nacogdoches) Consent to Assignment of License from John A. Bearden (Mobilphone of Nacogdoches) Assignor, to Band Communications, Incorporated, Assignee. Call Sign: KUD215, Nacogdoches, Texas.
- 21772-CD-AL-76, Byron W. White d/b/a Band Communications. Consent to Assignment of License from Byron W. White d/b/a Band Communications, Assignor to Band Communications, Assignee. Station: KUS318, Jasper, Texas.
- 21773-CD-AL-76, John A. Bearden d/b/a Mobilphone of Clarksville. Consent to Assignment of License from J. A. Bearden d/b/a Mobilphone of Clarksville, Assignor to Band Communications, Incorporated, Assignee. Station: KWT902, Clarksville, Texas.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21774-CD-AL-76, Byron W. White d/b/a Band Communications Consent to Assignment of License from Byron W. White d/b/a Band Communications, Assignor to Band Communications, Incorporated, Assignee. Station: KWT921, Sulphur Springs, Texas.
- 21775-CD-AL-76, Byron W. White d/b/a Band Communications Consent to Assignment of License from Byron W. White d/b/a Band Communications, Assignor to Sally Beard d/b/a Athens Communications, Assignee. Station: KWT952, Athens, Texas.
- 21777-CD-P-(2)-76, Garden Valley Telephone Company (KGI280), C.P. to change antenna system operating on 152.78 MHz and for additional facilities to operate on 152.60 MHz located 2 miles NE of Lengby, Minnesota.
- 21778-CD-P-76, Contact, Inc. (KGA807), C.P. for additional facilities to operate on 43.58 MHz at Loc. #1: Blaustein Building, Charles and Fayette Streets, Baltimore, Maryland.
- 21779-CD-P-76, South Shore Radio-Telephone, Inc. (KTS201), C.P. for additional facilities to operate on 158.70 MHz located at 2015 Bernice Road, Lansing, Illinois.
- 21780-CD-P-(2)-76, Highland Telephone Cooperative, Inc. (KIY465), C.P. to change antenna system operating on 152.75 MHz and for additional facilities to operate on 152.54 MHz located 1 mile SE Oneida, Tennessee.
- 21771-CD-AL-76, Sally A. Beard Consent to Assignment of License from Sally A. Beard Assignor, to Band Communications, Incorporated, Assignee. Call Sign: KUO619, Mt. Pleasant, Texas.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Corrections

- 21632-CD-P-76, United Telephone Company of the Northwest (KON924), Correct entry previously shown on PN #799 dated March 29, 1976 to read as follows: C.P. for additional facilities to operate on 152.60 MHz located at Burdoin Mtn., 2.25 miles NE of White Salmon, Washington.
- 21746-CD-P-76, B. and C. Mobile Communications, Inc. (KUO572), Correct frequency to read 152.06 MHz instead of 152.60 MHz. All other particulars to remain as reported on PN #801 dated April 12, 1976.

RURAL RADIO SERVICE

- 60315-CR-P-76, Kenneth F. Fischer d/b/a Sierra Communications (New), C.P. for a new rural subscriber station to operate on 158.49 MHz located approximately 5 miles WNW of Mule Creek, New Mexico.

POINT TO POINT MICROWAVE RADIO SERVICE:

- 3410-CF-P-76, American Telephone and Telegraph Company (KAH89), 420 Third Avenue South, Minneapolis, Minnesota. Lat. 44°58'39" N., Long. 93°15'59" W. C.P. to change frequencies 3790.0H 3950.0V 4030.0V MHz to 3810.0H 3970.0H 4130.0H MHz toward Newport, Minnesota on azimuth 105.3°.
- 3411-CF-P-76, Same, (KAH88), 5 miles NE of Newport, Minnesota. Lat. 44°54'53" N., Long. 92°56'47" W. C.P. to change frequencies 3830.0V 3990.0V 4070.0V MHz to 3850.0H 4010.0H 4170.0H MHz toward Minneapolis, Minnesota on azimuth 285.6°; change 4010.0H 4170.0H MHz to 3990.0V 4070.0V MHz toward St. Paul, Minnesota on azimuth 285.5°; and change 3830.0V MHz to 3850.0H toward Red Wing, Minnesota on azimuth 142.7°.
- 3412-CF-P-76, Same, (KAH87), 3.5 miles south of Red Wing, Minnesota. Lat. 44°30'45" N., Long. 92°31'09" W. C.P. to change frequency 3870.0V MHz to 3810.0H MHz toward Newport, Minnesota on azimuth 323.0°.
- 3413-CF-P-76, Same, (KVI50), 70 West 4th Street, St. Paul, Minnesota. Lat. 44°56'38" N., Long. 93°05'43" W. C.P. to change frequencies 3970.0H 4130.0H MHz to 3950.0V 4030.0V MHz toward Newport, Minnesota on azimuth 105.4°.
- 3417-CF-P-76, Same, (KPP46), Mount Blyn, 1.6 miles SE of Blyn, Washington. Lat. 48°00'23" N., Long. 122°58'18" W. C.P. to add frequency 3890.0H MHz toward Seattle, Washington on azimuth 132.0°.
- 3418-CF-P-76, Same, (KPZ23), 1503 Third Avenue West, Seattle, Washington. Lat. 47°37'58" N., Long. 122°21'36" W. C.P. to add frequency 4010.0H MHz toward Mount Blyn, Washington on azimuth 312.4°.
- 3393-CF-P-76, Rio Virgin Telephone Company, Inc. (New), 240 W. Mesquite Blvd., Mesquite, Nevada. Lat. 36°48'15" N., Long. 114°04'08" W. C.P. for a new station on frequency 2162.0V MHz toward Mountain Bell's new station at T.V. Peak, Utah on azimuth 23.3°.
- 3408-CF-MP-76, RCA Alaska Communications, Inc. (WAH392), off Richardson Highway, Valdez, Alaska. Lat. 61°07'55" N., Long. 146°20'08" W. Mod. of C.P. to relocate transmit station and correct receive station data for frequency 2112.4V MHz toward Valdez Terminal, Alaska on azimuth 210.3°.
- 3409-CF-MP-76, Same, (WAH393), Valdez Terminal, 3.7 miles SSW of Valdez, across Port Valdez, Alaska. Lat. 61°05'06" N., Long. 146°23'32" W. Mod. of C.P. to change coordinates and correct receive station data for frequencies 6152.8H MHz toward Keystone, Alaska on azimuth 93.9°, and 2162.4V MHz toward Valdez, Alaska on azimuth 30.2°.

POINT TO POINT MICROWAVE RADIO SERVICE

- 3458-CF-MP-76, Wisconsin Telephone Company (KS085), 221 West Washington Street, Appleton, Wisconsin. Lat. 44°15'45" N., Long. 88°24'30" W. Mod. of C.P. to change frequency 6100.9V MHz to 6249.1V MHz toward Osborn, Wisconsin on azimuth 9.1°; modify transmitters for this frequency and also for 6338.1V 10995H MHz toward Osborn.
- 3459-CF-MP-76, Same, (KS086), Osborn, 3.5 miles SW of Seymour, Wisconsin. Lat. 44°27'58" N., Long. 88°21'47" W. Mod. of C.P. to change frequencies 6293.5V MHz to 6145.3V MHz toward Appleton, Wisconsin on azimuth 189.1°, and 6249.1H MHz to 6100.9H MHz toward Green Bay, Wisconsin on azimuth 79.5°; modify transmitters for these frequencies and also for 6056.4V 11445H MHz toward Appleton, and 6011.9H 11325V MHz toward Green Bay.
- 3460-CF-MP-76, Same, (KS087), 205 South Jefferson Street, Green Bay, Wisconsin. Lat. 44°30'43" N., Long. 88°00'50" W. Mod. of C.P. to change frequency 6145.3H MHz to 6293.6H MHz toward Osborn, Wisconsin on azimuth 259.7°; modify transmitters for this frequency and also for 6412.2H 10875V MHz toward Osborn.
- 3461-CF-P-76, Southwestern Bell Telephone Company (KRR60), Moreland, 11.5 miles NE of Russellville, Arkansas. Lat. 35°24'09" N., Long. 92°59'39" W. C.P. to add amplifiers to transmitters, increasing power output and changing emission designator, for frequencies 6241.7V 10835.0H MHz toward Moreland Passive Reflector on azimuth 277.3°, and from Passive Reflector toward Petit Jean, Arkansas on azimuth 167.9°.

The following renewal applications for the term ending February 1, 1981 have been received:

- Tex-Mex Communications Systems Corp.
7833-CF-R-76, KLM97, Boise, Texas
7834-CF-R-76, KLN75, Denver City, Texas
7835-CF-R-76, KLT71, Friona, Texas
7836-CF-R-76, KLT72, Muleshoe, Texas

Union Telephone Company

- 7876-CF-R-76, KPV43, Urle, Wyoming
7877-CF-R-76, KPV44, Hickey Mtn. Wyoming
7878-CF-R-76, KSV50, Manila, Utah
7879-CF-R-76, WQP74, Greendale, Utah
7880-CF-R-76, WQP75, Dutch John, Utah
7881-CF-R-76, WQP76, Grizzly Ridge, Utah

POINT TO POINT MICROWAVE RADIO SERVICE:

- 1619-CF-P/L-76, RCA Global Communications, Inc. Territory of Grantee. (New), C.P. and License for a new station on frequency bands 3700-4200.0; 5925.0-6425.0; 10700-11700; 22000-23600 and 38600-40000 transmitters any type accepted.
- 3117-CF-P-76, Ohio Bell Telephone Company (New), 4310 Richmond Road, Warrensville Township, Ohio. Lat. 41°26'27" N., Long. 81°30'09" W. C.P. for a new station on 11305H towards Cleveland, Ohio on azimuth 293.5°.
- 3118-CF-P-76, Same, (New), 750 Huron Road, Cleveland, Ohio. Lat. 41°29'53" N., Long. 81°41'12" W. C.P. for a new station on 11175V towards VA Hospital, Ohio on azimuth 74.37°.
- 3287-CF-P-76, Capital City Telephone Co. (KAL83), 1.0 mile North of Holts Summit, Missouri. Lat. 38°39'37" N., Long. 92°07'22" W. C.P. to replace transmitter and increase emission designator and output power.
- 3326-CF-P-76, Wyoming Microwave (KPB65), 12.3 miles NNW of Bonneville, Wyoming. Lat. 42°26'15" N., Long. 107°59'47" W. C.P. to add 3810V towards Thermopolis, Wyoming on azimuth 320.8°.

- 3394-CF-P-76, Southern Bell Telephone and Telegraph Co. (WDD43), 325 Gardenia St., West Palm Beach, Florida. Lat. 26°42'34" N., Long. 80°03'11" W. C.P. to add 6345.5V towards Loxahatchee, Florida on azimuth 263.9°.

- 3395-CF-P-76, Same, (KJG23), 3.3 miles West of Loxahatchee, Florida. Lat. 26°40'57" N., Long. 80°19'45" W. C.P. to add 6093.5V towards Belle Glade, Florida on azimuth 270.0°.

- 3396-CF-P-76, Same, (KJG22), 1525 SW Avenue East, Blade Glade, Florida. Lat. 26°40'57" N., Long. 80°40'59" W. C.P. to add 6286.2V towards Clewiston, Florida on azimuth 286.7°.

- Eastern Microwave, Inc. (New), 2.5 miles SSW of Womelsdorf, Pennsylvania. Lat. 40°19'25" N., Long. 76°11'48" W. C.P. to add 6182.4V, via power split, towards Lebanon, Pennsylvania on azimuth 287.5°.

- 3405-CF-P-76, American Television & Communications Corp., (WAT979), 3.5 miles SE on Jack Mountain, Lynchburg, Virginia. Lat. 37°20'13" N., Long. 79°08'12" W. C.P. to add 5945.2H & 6004.5H towards Dry Fork, Virginia on azimuth 198.5 degrees and 5945.2V & 6004.5V towards Poor Mountain, Virginia on azimuth 260.3°.

- 3406-CF-P-76, Same, (New), 12 miles SSW of Salem, Virginia. Lat. 37°11'37" N., Long. 80°09'25" W. C.P. for a new station on 6212.0H & 6271.4H towards Martinsburg, Virginia on azimuth 155.4 degrees and 10935H & 11095H towards Roanoke, Virginia on azimuth 60.6 degrees; 10935V & 11095V towards Salem, Virginia on azimuth 37.2 degrees and 10935H & 11095H towards Christiansburg, Virginia on azimuth 265.2°.

POINT TO POINT MICROWAVE RADIO SERVICE:

- 3415-CF-P-76, United Video, Inc. (WAH437), 5 mile SW of Jackson, Missouri. Lat. 37°22'54" N., Long. 89°47'22" W. C.P. to correct coordinates to the foregoing and to add 6226.9H, 6286.2H & 6345.5H towards Sikeston, Missouri on azimuth 163.2°.

POINT TO POINT MICROWAVE RADIO SERVICE: MAJOR AMENDMENTS

- 3194-CF-P-76, Eastern Microwave, Inc. (WDD72), Amends application to change frequency to 6137.9V towards Hershey NOC and change polarity to 6019.3V towards Hershey NOC, Pennsylvania.

[FR Doc. 76-11673 Filed 4-21-76; 8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM SC 69/FCC WARC-79 Advisory Committee for Maritime Mobile Service, Seventh Meeting, 1919 M Street NW., Washington, D.C., Room 847, 9:30 a.m. to 12:30 p.m., Tuesday, May 11, 1976.

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further Business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman SC 69, COMSAT General, 950 L'Enfant Plaza SW., Washington, D.C. 20024, Phone: (202) 554-6829, Howard L. Peterson, Executive Secretary.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-5490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-11671 Filed 4-21-76;8:45 am]

STANDARD CONNECTING ARRANGEMENTS FOR REGISTERED PBX'S AND KEY TELEPHONE SYSTEMS

Meetings

APRIL 15, 1975.

In its First Report and Order in Docket 19528, 56 F.C.C. 2d 593 (1975), the Commission established a registration program designed to allow users of the nationwide switched telephone network to connect certain terminal equipment to the network, provided that such equipment complies with standards incorporated into the registration program to protect the network from harm. This program was made applicable both to equipment provided by users and to equipment provided by telephone companies.

Following Public Notice dated January 21, 1976, the Commission staff conducted a series of meetings attended by communication industry and Common Carrier representatives to discuss standard plugs and jacks for connecting terminal equipment (excluding PBX's and key telephone systems) to the network.

Following these discussions a Notice of Proposed Rulemaking in Docket 20774 was released by the Commission on April 12, 1976 (FCC 76-319).

In light of the Second Report and Order in Docket No. 19528, released

March 18, 1976 (FCC 76-242), the Commission now desired to similarly provide for standards to accommodate the connection of PBX's and key telephone systems to the network.

To this end, meetings will be held, to the extent necessary, at the Washington, D.C. office of the Commission as follows:

Monday May 3, Room 8210, 2025 M Street, NW.

Tuesday May 4, Room A-110, 1229 20th Street, NW.

Thursday May 13, Room 8210, 2025 M Street, NW.

Friday May 14, Room 8210, 2025 M Street, NW.

All meetings will begin at 9:00 a.m.

All parties attending these meetings are expected to send competent technical personnel prepared to discuss all aspects of connecting arrangements.

Any questions with respect to this notice should be directed to William von Alven on (202) 632-6440 or Frank Laden on (202) 632-6430.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-11672 Filed 4-21-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Agreement No. 9450]

AUSTRALIA/EASTERN USA SHIPPING CONFERENCE

Intent To Cancel

The Australia/Eastern USA Shipping Conference (the conference), Agreement No. 9450, as amended, covers the trade from Australia, New Guinea and South Sea Islands to U.S. Atlantic and Gulf ports and ports in Puerto Rico and the Virgin Islands. The Conference is domiciled in Sydney, N.S.W., Australia.

By letter dated February 23, 1976, Maritime Fruit Carriers Co. Ltd. filed with the Conference its 30-day notice of withdrawal from the Agreement to take effect March 25, 1976. This action left Refrigerated Express Lines (A'Asia) Pty. Ltd. as the only remaining member of the Conference.

In view of the fact the Conference and its former participants are no longer engaged in concerted activities under Agreement No. 9450 requiring approval pursuant to Section 15, Shipping Act, 1916, the Federal Maritime Commission hereby serves notice that it intends to cancel Agreement No. 9450, as amended, the Australia/Eastern USA Shipping Conference, effective May 12, 1976, unless a request for hearing on the matter is received within that time.

By Order of the Federal Maritime Commission.

Dated: April 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11699 Filed 4-21-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the vessels indicated below, pursuant to Part 542 of Title 46 CFR and Section 311(p) (1) of the Federal Water Pollution Control Act.

| Certificate No. | Owner/operator and vessels |
|-----------------|---|
| 01015 | A/S Rederiet Odjell: Bow Ek. |
| 01155 | Ernst Jacob, Reeder & Schiffsmakler: Josef Stewing, Olga Jacob. |
| 01185 | Aksjeselskapet Kosmos: Javachta. |
| 01187 | Skibsaktieselskapet gyffe: Gimle. |
| 01330 | Shell Tankers (U.K.) Ltd.: Hinnites, Hemifusus. |
| 01533 | Oy Henry Nielsen AB: Nan Fung. |
| 01574 | Fearnley & Eger: Fernstate. |
| 01854 | Southern Towing Co.: STC-2019B, STC-2015, STC-2509. |
| 01861 | BP Tanker Co. Ltd.: British Curlew, British Confidence, British Lancer, British Gannet, British Grenadier, British Captain. |
| 02147 | Mathiasen's Tanker Industries, Inc.: Tampico. |
| 02198 | Peninsular & Oriental Steam Navigation Co.: Hertford. |
| 02344 | Empresa Lineas Maritimas Argentinas S.A.: Naviero, Rio Tercero, Libertad, Entre Rios, Hornero, Martenero, Rio Atuel, Fletero, Rio Gallegos, Rio Quequen, Rio Lujan. |
| 02363 | Rederiet Otto Danielsen: Otto Danielsen. |
| 02492 | Interstate Oil Transport Co.: CBC 785. |
| 02772 | Phillips Petroleum Co.: Phillips California. |
| 03081 | United Maritime Co., Inc.: Hong Kong Delegate. |
| 03091 | Universal Marine Corp.: Hong Kong Grace, Hong Kong Amber, Oriental Falcon, Hong Kong Fair, Pacific Victory. |
| 03093 | United Overseas Marine Corp.: Hong Kong Beauty I. |
| 03094 | Malaysia Marine Corp.: Liberia: Malaysia Success. |
| 03271 | Sea-Land Service, Inc.: Azalea City. |
| 03361 | Naviera Ceresio S.A.: Sebastiano. |
| 03396 | Rederi A/S Norse King: Norse Carrier. |
| 03476 | Nissin Kisen K.K.: Nichigo Maru. |
| 03484 | Sanko Kisen K.K.: Gekko Maru. |
| 03510 | Takeda Kigyo K.K.: Genkai Maru 18. |
| 03692 | Marmac Corp.: WGH-11, WGH-9. |
| 03737 | Interocean Shipping Co.: Lorenzo Halcoust. |
| 04041 | Compania Peruana de Vapores: Ilo. |
| 04136 | Thomas Marine Co.: GW-100. |
| 04357 | Koninklijke Nedlloyd B.V.: Banda. |
| 04423 | Marcona Carriers Ltd.: Marconafo Merchant. |
| 04814 | Naviera Panamericana S.A.: Don Segundo Sombra. |
| 04834 | Tidewater Barge Lines Inc.: Foss III. |
| 04975 | Gotaas-Larsen S.R.L.: Martin Fierro. |
| 05047 | PPG Industries Inc.: ETT 110. |
| 05256 | Crestwave Offshore Services, Inc.: Topper II, Topper I. |

Certificate

| No. | Owner/operator and vessels |
|----------|--|
| 05437--- | Dow Chemical U.S.A.: DC-349, DC-345, DC-346, DC-410, DC-344, DC-343, DC-342, DC-348, DC-341, DC-347, DC-340. |
| 05981--- | Seawise Foundations Ltd.: <i>Seawise University</i> . |
| 06077--- | Shinwa Shosen K.K.: <i>Kaki Maru</i> No. 3. |
| 06558--- | Orient Overseas Container Services Inc. of Liberia: <i>Oriental Chevalier</i> . |
| 06921--- | Lee Lai Maritime S.A.: <i>Chieh Teng</i> . |
| 06995--- | Novorossiysk Shipping Co.: <i>Apsheeron</i> , <i>Volgodon</i> , <i>Tallinn</i> , <i>Grozny</i> . |
| 07141--- | Miyagi Prefectural Government: <i>Miyagi Maru</i> . |
| 07580--- | Chinese Maritime Transport, Ltd.: <i>Hong Kong Surety</i> , <i>Oriental Rio</i> . |
| 07935--- | Independent Lighterage Co.: <i>Conqueror</i> . |
| 07880--- | Logicon, Inc.: CBC-130. |
| 07964--- | Transocean Lines, Inc. Liberia: <i>Oriental Empress</i> . |
| 08086--- | "Fenice" S.P.A. Palermo: <i>Fenice</i> , <i>Punta Cerro</i> . |
| 08387--- | Sure Hope Towing Co., Inc.: TM-113. |
| 08438--- | Lamant Shipping Co. Ltd. (of Cyprus): <i>Lamant</i> . |
| 08671--- | Excomm Ltd.: <i>Excomm Merchant</i> . |
| 08717--- | Saint Thomas Maritime Co. Ltd.: <i>St. Thomas</i> . |
| 08928--- | Shibley Boats Panama, S.A.: <i>Percheron</i> . |
| 08978--- | Caymen Island Vessels, Ltd.: <i>Gulfrez</i> . |
| 09031--- | Union Mechling Corp.: 354, 390, 345, 389. |
| 09071--- | BASF Wyandotte Corp.: <i>Star Wyandotte</i> . |
| 09074--- | Zuito Shipping Co. Ltd.: <i>Syuko Maru</i> . |
| 09267--- | Oy Enso-Chartering AB: <i>Finreel</i> , <i>Finnmaster</i> . |
| 09374--- | International Ocean Transport Corp.: <i>Massachusetts</i> . |
| 09406--- | Greenville Steamship Corp.: <i>Union Friendship</i> . |
| 09539--- | Raymond - Kiewit - Tidewater, a joint venture: <i>Cheboygan</i> , <i>Apache</i> , <i>Loretta</i> . |

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11698 Filed 4-21-76;8:45 am]

[Docket No. 76-14; Agreement No. 10116-1]

JAPANESE PORTS AND PORTS IN CALIFORNIA, OREGON, AND WASHINGTON

Extension of Pooling Agreement in the East-bound and Westbound Trades; Enlargement of Time

Upon request of counsel for respondents, and good cause appearing, the filing schedule in this proceeding is modified as follows. Respondents memoranda of law, affidavits of fact, and other materials shall be filed on or before May 17, 1976. Affidavits of fact and memoranda of law shall be filed by Hearing Counsel, petitioner, and interveners on or before July 1, 1976. By the Commission.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11697 Filed 4-21-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-82; RP73-77 (PGA76-3)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

APRIL 14, 1976.

Take notice that on April 5, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, third Revised Volume No. 1, Sixteenth Revised Sheet No. 3-A and Alternate Revised Sheet No. 3-A. These revised tariff sheets are proposed to become effective as of May 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheets is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on May 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheets provide for the following rates:

| Rate schedule | 16th revised sheet No. 3-A (in cents) | Alternate 16th revised sheet No. 3-A (in cents) |
|-----------------|---------------------------------------|---|
| G-1: | | |
| Demand | \$1.63 | \$2.32 |
| Commodity | 79.83 | 77.67 |
| SG-1: commodity | 91.74 | 94.62 |
| I-1: commodity | 85.19 | 79.67 |

Alabama-Tennessee also requests, pursuant to Section 154.51 of the Commission's Regulations, a waiver of the thirty days notice requirement because it did not receive Tennessee's increased rate filing upon which Alabama-Tennessee's filing is based until April 2, 1976.

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11626 Filed 4-21-76;8:45 am]

[Docket No. CI75-697]

AMOCO PRODUCTION CO.

Withdrawal

APRIL 14, 1976.

On March 29, 1976, Amoco Production Company (AMOCO) filed a motion to withdraw its Application for a Certificate of Public Convenience and Necessity filed on May 14, 1975 in the above-designated proceeding.

On March 25, 1976, Amoco terminated its contract with Trunkline.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on April 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11619 Filed 4-21-76;8:45 am]

[Docket No. AR64-1, et al. and Docket No. RP73-36 (Refunds)]

AREA RATE PROCEEDING (HUGOTON ANADARKO AREA) AND PANHANDLE EASTERN PIPELINE CO.

Notice of Filing

APRIL 13, 1976.

Take notice that on August 1, 1975, Panhandle Eastern Pipeline Company (Panhandle) submitted for filing a plan for the flow-through of refund amounts received.

Panhandle states that on March 17, 1975, the Commission issued its Order Directing Disbursement and Flow-Through of Refunds in Docket No. AR-64-1, et al. Ordering Paragraph (C) required that each purchaser submits copies of a plan for the flow-through of refund amounts received from Hugoton-Anadarko producers and presently being retained. This plan is submitted pursuant to that ordering paragraph.

Panhandle states that a copy of its filing has been served on each jurisdictional customer and upon the appropriate state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11629 Filed 4-21-76;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.**Deferring Date of Hearing**

APRIL 16, 1976.

The hearing scheduled for April 22, 1976 by order issued October 10, 1975, as most recently extended by notice issued January 23, 1976 in the above-indicated proceeding is deferred pending action by the Commission on the settlement proposal filed on February 18, 1976, by Baca Gas Gathering System, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11638 Filed 4-21-76; 8:45 am]

[Docket No. ER76-496]

BANGOR HYDRO-ELECTRIC CO.**Tender of Supplemental Data and Amended Tariff Sheet**

APRIL 16, 1976.

Take notice that on April 8, 1976, Bangor Hydro-Electric Company (Bangor) tendered for filing supplemental data intended to cure a deficiency in its filing of January 31, 1976, and an amendment to that filing, Original Sheet No. 3 (Third Revision), to reduce the Transmission Service Rate from \$20.00 to \$16.00 per kilowatt delivered to Bangor's system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11653 Filed 4-21-76; 8:45 am]

[Docket No. CS76-633, et al.]

BRANCH INVESTMENT CORP. ET AL.**Applications for "Small Producer" Certificates¹**

APRIL 12, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

| Docket No. | Date filed | Applicant |
|------------|---------------|---|
| CS76-633 | Mar. 26, 1976 | Branch Investment Corp., P.O. Box 218, Springfield, La. 71075. |
| CS76-651 | do | Howard M. Maher, P.O. Box 52246, Tulsa, Okla. 74152. |
| CS76-652 | do | Wing Corp., 1100 Millam Building, Suite 3440, Houston, Tex. 77002. |
| CS76-653 | Mar. 29, 1976 | Earl Fain III, 1839 First National Bank Building, Dallas, Tex. 75202. |
| CS76-654 | do | James Fain, 1800 Fidelity Union Tower, Dallas, Tex. 75201. |
| CS76-655 | do | Dennis L. Holt, P.O. Box 8084, Borger, Tex. 79006. |
| CS76-656 | do | Mark Production Co., 330 Citizens Bank Building, Tyler, Tex. 75701. |
| CS76-657 | do | Milton Royalty Co., 330 Citizens Bank Building, Tyler, Tex. 75701. |
| CS76-658 | do | Curis W. Mewborne, 330 Citizens Bank Building, Tyler, Tex. 75701. |
| CS76-659 | do | Frances W. Hyde, 1011 Ridgelea Bank Building, Fort Worth, Tex. 76116. |
| CS76-660 | do | Montana-Dakota Royalty Co., 2770 Liberty Tower, Oklahoma City, Okla. 73102. |
| CS76-661 | do | Maudie P. Crawford, P.O. Box 997, Wichita, Kans. 67201. |
| CS76-662 | do | Mary Ruth Howe, P.O. Box 997, Wichita, Kans. 67201. |
| CS76-663 | do | James L. Neptune, P.O. Box 997, Wichita, Kans. 67201. |
| CS76-664 | do | Belmont Oil Co., 210 Angelina Building, Lufkin, Tex. 75901. |

| Docket No. | Date filed | Applicant |
|------------|---------------|--|
| CS76-665 | do | C. C. Spikes, d.b.a. Spikes Gas and Oil Production Co., 700 Farm Credit Bank Building, Wichita, Kans. 67202. |
| CS76-666 | Mar. 30, 1976 | C. Brodie Hyde, 1011 Ridgelea Bank Building, Fort Worth, Tex. 76116. |
| CS76-667 | Mar. 31, 1976 | Jordan C. Braun, 1121 Fidelity Plaza, Oklahoma City, Okla. 73102. |

[FR Doc. 76-11441 Filed 4-21-76; 8:45 am]

[Docket No. CP74-268]

CONSOLIDATED GAS SUPPLY CORP. AND NORTH PENN GAS CO.**Petition To Amend**

APRIL 14, 1976.

Take notice that on March 31, 1976,¹ North Penn Gas Company (Petitioner) 76-80 Mill Street, Port Allegany, Pennsylvania 16743, filed in Docket No. CP74-268 a petition to amend the order of July 29, 1974 (52 FPC 232), issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act by deleting therefrom authorization for Petitioner to construct approximately 15,450 feet of 6-inch and 400 feet of 8-inch pipeline to connect 8 additional wells for active storage, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By the order of July 29, 1974, Petitioner and Consolidated Gas Supply Corporation (Consolidated) are authorized to construct and operate facilities for further development of the Tioga Storage Pool, Tioga County, Pennsylvania. In the instant petition Petitioner states that currently conducted back pressure tests on its existing wells have disclosed that the wells are capable of supporting the injection and withdrawal rates required by its agreement with Consolidated. Petitioner states that it is neither necessary nor desirable that Petitioner make additional expenditures to connect the 8 additional wells at this time.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

¹ The petition was initially tendered for filing on March 31, 1976, however the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 7, 1976; thus, filing was not completed until the latter date.

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11622 Filed 4-21-76; 8:45 am]

[Docket No. ER76-151]

DELMARVA POWER AND LIGHT CO.
Further Extension of Procedural Dates

APRIL 16, 1976.

On April 6, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued March 4, 1976, in the above-designated proceeding. The motion states that there is no opposition to the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 29, 1976.
Service of Intervenor Testimony, May 6, 1976.

Service of Company Rebuttal, May 13, 1976.
Hearing, May 20, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11643 Filed 4-21-76; 8:45 am]

[Docket No. ER76-605]

THE DETROIT EDISON CO.
Cancellation of Rate Schedule

APRIL 16, 1976.

Take notice that on March 26, 1976, The Detroit Edison Company (DE) tendered for filing a Notice of Cancellation of Rate Schedule FPC No. 4 consisting of the Electricity Supply Agreement between The Detroit Edison Company and Thumb Rural Electric Cooperative. DE states that the effective date of the cancellation is April 27, 1976. DE states that the rate schedule is being cancelled because it has become uneconomic. DE states that it hopes a new agreement will replace the prior agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11645 Filed 4-21-76; 8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Tariff Filing

APRIL 12, 1976.

Take notice that on February 23, 1976, El Paso Natural Gas Company, (El Paso), filed, pursuant to ordering Paragraph (K) of the Commission's Order issued December 24, 1975, at Docket No. RP72-6, certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. Such sheets are identified in the filing tendered by El Paso.

On December 19, 1974, the Commission issued its Opinion No. 697-A and accompanying order in the captioned proceeding, which opinion and order, inter alia, directed El Paso to (i) file revised tariff sheets respecting El Paso's effective interim curtailment plan as modified and clarified by the Commission's Opinion Nos. 697 and 697-A and (ii) file a report showing base volume and end-use profile information. On March 28, 1975, and April 11, 1975, El Paso tendered for filing and acceptance certain revised and Original Tariff Sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, in compliance with the Commission's directive.

On December 24, 1975, the Commission issued its Order Clarifying Opinions, Requiring Modification of Tariff Sheets, and Establishing Hearing on Limited Issue in the referenced proceeding. In said order, the Commission clarified its Opinion Nos. 697 and 697-A and, among other things, directed El Paso to revise certain of the tariff sheets submitted in compliance with Opinion No. 697-A. El Paso states that the purpose of the instant tender is to comply with the Commission's directives prescribed by the said December 24, 1975 order.

El Paso has submitted the instant tariff filing designed to (i) revise the index of base volumes and index of priority limitations consistent with the method of determination prescribed by ordering Paragraph (C) and (E) of the said December 24, 1975 clarifying order; (ii) provide an explanation of the operational limitations and application of the unauthorized overrun penalty provision under the proposed revised curtailment plan consistent with ordering Paragraph (D) of the said clarifying order; (iii) submit additional data provided by Southern California Gas Company supporting storage injection volumes classified in Priority 2 in compliance with ordering Paragraph (J) of the said clarifying order; and (iv) make certain minor clarifications and corrections in various provisions applicable under the proposed revised curtailment plan. El Paso further states that it retendered in their entirety the tariff sheets included as a part of its compliance filings of March 28, 1975 and April 11, 1975 modified as required to comply with the Commission's directives contained in said December 24, 1975 clarifying order.

El Paso has requested an effective date of May 1, 1976 for the revised curtailment plan reflected on the tendered tariff sheets, subject to any necessary revisions upon resolution of the remaining issues as to (i) the environmental impact of the curtailment plan and (ii) the appropriate priority classification of volumes of gas delivered for use as flame stabilization and ignition fuel.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72-6 and, otherwise, upon all of El Paso's interstate transmission system customers and all interested state regulatory commissions.

Any person desiring to be heard or to make any protests with reference to said tariff filing should, on or before April 21, 1976 file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10 and the Regulations under the Natural Gas Act (18 CFR 157.10)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11609 Filed 4-21-76; 8:45 am]

[Docket No. RP76-81]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 16, 1976.

Take notice that El Paso Natural Gas Company ("El Paso"), on March 31, 1976, tendered for filing proposed changes in rates under special Rate Schedules F-1 and F-3 to its FPC Gas Tariff, Third Revised Volume No. 2. El Paso states that the gas purchase agreements comprising a part of said special rate schedules provide for the sale of natural gas at the wellhead to Michigan Wisconsin Pipe Line Company in Dewey County, Oklahoma. Such changes involve increases in rates in accordance with Section 2.56b of the Federal Power Commission's General Policy and Interpretations established by the Commission's Opinion No. 749, issued December 31, 1975, at Docket No. R-478 and the pricing provisions of Article XI, Paragraphs 1 and 2, and Article XIX of Rate Schedules F-1 and F-3.

El Paso further states that Opinion No. 749, inter alia, established a national rate ceiling for gas flowing in interstate commerce before January 1, 1973, of 23.5¢/Mcf at 14.73 psia, effective as of January 1, 1976, subject to upward and downward BTU adjustment, state and federal production, severance or similar taxes, and gathering allowances, where

applicable. Opinion No. 749 also provided for an increase in such flowing gas rate to 29.5¢/Mcf, effective as of July 1, 1976, subject to the aforementioned adjustment.

El Paso states that the instant notice of change in rates is being filed pursuant to Section 154.63(a)(3) of the Commission's Regulations in order that: (i) the rates charged under Rate Schedule F-1 effective as of January 1, 1976, and (ii) the rates charged under Rate Schedule F-3 effective as of January 1, 1976, and July 1, 1976, may be adjusted as provided for by the Commission's Opinion No. 749 and Section 2.56b of the Commission's General Policy and Interpretations established by said opinion. El Paso also submitted supporting schedules for the proposed change in rates under Rate Schedules F-1 and F-3, which schedules indicate increased revenues from such sales of \$5,534 and \$1,232, respectively, based on estimated sales volumes for the twelve-month period succeeding the proposed effective date of January 1, 1976. El Paso also states that the further rate increase applicable to Rate Schedule F-3, proposed to become effective July 1, 1976, will increase revenues thereunder by an additional \$218, based on estimated sales volumes for the twelve-month period succeeding July 1, 1976.

In connection with the instant notice of changes, El Paso also tendered for filing and acceptance First and Second Revised Sheet Nos. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. First Revised Sheet No. 1-D.1 reflects the increased rates proposed to be collected by El Paso under Rate Schedules F-1 and F-3, commencing on January 1, 1976. Second Revised Sheet No. 1-D.1 reflects the further change in rate under Rate Schedule F-3 proposed to become effective July 1, 1976.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11650 Filed 4-21-76; 8:45 am]

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Condition, Waiving Commission Regulations, and Instituting Investigation

FEBRUARY 27, 1976.

At the bottom of page 1 on the above-docketed order, please substitute the following revised Footnote 1:

* Seventeenth Revised Sheet No. 3-B and Fourth Revised Sheet No. 63-C.5 to Original Volume No. 1; Seventh Revised Sheet No. 1-D and Fourth Revised Sheet No. 1-M.5 to Third Revised Volume No. 2; and Ninth Revised Sheet No. 1-C and Fourth Revised Sheet No. 7-MM.5 to Original Volume No. 2A.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11620 Filed 4-21-76; 8:45 am]

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO. Settlement Conference

APRIL 13, 1976.

Take notice that on May 20-21, 1976, a conference to discuss the issues in the above-captioned pipeline rate increase proceeding will be convened, pursuant to request of Great Lakes Gas Transmission Company, at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference will convene at 10:00 a.m. The room number of such conference will be posted with the schedule of hearings on the Second Floor of the Commission's offices.

Great Lakes' April 9, 1976 letter request for such conference indicates that a copy of such request was sent to all parties to the subject proceeding.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Copies of this notice are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11611 Filed 4-21-76; 8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Further Extension of Procedural Dates

APRIL 16, 1976.

On April 5, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1976, as most recently modified by notice issued February 26, 1976, in the above-designated proceeding. The matter states that all parties support the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows: Service of Staff Testimony, June 8, 1976. Service of Intervenor Testimony, June 22, 1976.

Service of Company Rebuttal, July 6, 1976.

Hearing, July 20, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11633 Filed 4-21-76; 8:45 am]

[Docket No. ES76-48]

GULF STATES UTILITIES CO. Application

APRIL 14, 1976.

Take notice that on April 8, 1976, Gulf States Utilities Company (Applicant) filed an application, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to enter into a Guaranty Agreement with the Trustee guaranteeing payment of the principal of, premium, if any, and interest on pollution control revenue bonds to be issued by the Parish of Iberville, State of Louisiana, pursuant to an Indenture of Trust to be entered into between the Parish and a bank (to be selected) acting as Trustee. The aggregate principal amount of such revenue bonds to be the subject of the Guaranty Agreement shall not exceed \$25,000,000.

Applicant is incorporated under the laws of the state of Texas with its principal business office at Beaumont, Texas and is engaged in the electric utility business in portions of Louisiana and Texas.

Pursuant to a Trust Indenture, the Parish of Iberville will issue Bonds, the proceeds of the sale of which will be used to pay the cost of acquisition and construction of a pollution control project to be purchased from and resold to the Applicant.

Any person desiring to be heard or to make any protest with reference to said application, should on or before May 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11631 Filed 4-21-76;8:45 am]

[Docket No. G-2537]

INDIANA GAS CO., INC.

Application

APRIL 14, 1976.

Take notice that on March 25, 1976, Indiana Gas Company, Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Indiana 46202, filed in Docket No. G-2537 an application pursuant to Section 1(c) of the Natural Gas Act for a declaration of continuing exemption from the provisions of the Natural Gas Act notwithstanding Applicant's storage of natural gas Central Indiana Gas Company, Inc. (Central), all as more fully set forth in the application on file with the Commission and open to public inspection.

In Docket No. CP76-292¹ Panhandle Eastern Pipe Line Company (Panhandle) has filed an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery for one year of up to 10,000 Mcf of gas per day to Applicant for the account of Central. Panhandle's application indicates that the gas would be delivered to Applicant at the Crawfordsville delivery point for injection into Applicant's Wolcott storage field in White County, Indiana. Further, Panhandle states in its application that the stored gas would be redelivered to Central through an arrangement whereby Applicant would decrease its takes from Panhandle under a gas sales contract with Panhandle and that Panhandle would transport and redeliver such volumes to Central.

In the instant application Applicant states that all of the natural gas delivered to Applicant would be received within the State of Indiana and would be ultimately consumed within the State of Indiana. Accordingly, Applicant requests that the exemption granted by order issued September 15, 1954, in Docket No. G-2537, 13 FPC 1373, pursuant to Section 1(c) of the Natural Gas Act be continued notwithstanding Ap-

plicant's storage of natural gas for Central.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11617 Filed 4-21-76;8:45 am]

[Docket No. ER76-589]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

APRIL 14, 1976.

Take notice that American Electric Power Service Corporation (AEP) on March 31, 1976, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I & M), Modification No. 9 dated March 24, 1976, to the Interconnection Agreement dated November 1, 1961, between I & M and Northern Indiana Public Service Company (NIPSCO), designated Indiana Rate Schedule FPC No. 22.

AEP states that Section 1 of Modification No. 9 provides for an increase in the Demand Charge for Short Term Power from \$0.40 to \$0.50 per kilowatt per week. AEP states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP states that NIPSCO was experiencing a temporary capacity shortage and had need for said Short Term Power on March 10, 1976, when delivery under Modification No. 9 commenced. Accordingly, AEP requests that Modification No. 9 be permitted to become effective as of March 9, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this fil-

ing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11632 Filed 4-21-76;8:45 am]

[Docket No. ER76-608]

IOWA POWER AND LIGHT CO.

Amendment to Electric Interchange Agreement

APRIL 16, 1976.

Take notice that Iowa Power and Light Company (Iowa Power) on April 12, 1976, tendered for filing the First Amendment to the Electric Interchange Agreement between Iowa Power and the City of Indianola, Iowa (now Indianola Waterworks and Electric Light and Power Board of Trustees, hereinafter referred to as "Trustees") dated December 18, 1975.

Iowa Power states that the First Amendment extends the term of the Interchange Agreement between the parties from 5 to 15 years; extends the initial period of commitment for the purchase and sale of Base Load Power and Energy from 5 to 10 years; and places a maximum limitation on the amount of output which Iowa Power can take from the Trustees' gas-turbine generating facility.

Iowa Power requests that the Commission waive its prior notice requirements and accept this filing with a retroactive effective date of December 18, 1975. Iowa Power states that copies of the filing have been served upon the Iowa State Commerce Commission and the Trustees.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11647 Filed 4-21-76;8:45 am]

[Docket No. ER76-249]

LAKE SUPERIOR DISTRICT POWER CO.

Request for Further Waiver of Fuel Adjustment Clause Conformity Requirements

APRIL 14, 1976.

Take notice that on March on March 26, 1976, Lake Superior District Power

¹ The application was initially tendered for filing March 25, 1976, however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act, 18 CFR 159.1, was not paid until April 7, 1976; thus filing was not completed until the latter date.

² The pleading is styled "Petition of Indiana Gas Company, Inc. to Intervene [in Docket No. CP76-292] and Application for Continued Exemption under Section 1(c) of the Natural Gas Act [in Docket No. G-2537]".

³ Notice published March 31, 1976, 41 FR 13670.

Company (Lake Superior) by letter dated March 23, 1976 filed a request for further waiver of the fuel adjustment clause conformity requirements established by the Commission in Order No. 517 in Docket No. R-479 issued November 13, 1974. By letter order dated December 24, 1975, Lake Superior was granted a three-month extension of the filing deadline to March 31, 1976.

Lake Superior now requests a waiver of the conformity filing date until June, 1977, stating that it would be impractical to file a new fuel clause now since the company will make new rate filings in June, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11616 Filed 4-21-76;8:45 am]

[Docket No. ER76-162]

LOUISIANA POWER & LIGHT CO.

Supplementary Filing

APRIL 14, 1976.

Take notice that on April 2, 1976, Louisiana Power & Light Company (LP&L) tendered for filing additional data in response to the Secretary's letters dated October 29, 1975 and December 4, 1975, in the above-referenced docket. The additional data submitted by LP&L concerned calculation of the Company's incremental fuel cost and the appropriateness of the various charges for energy associated with Emergency Assistance, Reserve Capacity, Supplemental Power, and Surplus Power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11630 Filed 4-21-76;8:45 am]

[Docket Nos. RP73-14, RP73-102, PGA76-3a]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Filing of Substitute Proposed Tariff Sheet

APRIL 12, 1976.

Take notice that Michigan Wisconsin Pipe Line Company (Mich-Wisc), on March 31, 1976, tendered for filing Substitute Thirteenth Revised Sheet No. 27F and Substitute Alternate Thirteenth Revised Sheet No. 27F to its FPC Gas Tariff, Second Revised Volume No. 1 in lieu of the tariff sheets tendered on March 16, 1976. Mich-Wisc states that the substitute sheets, for which it requests an effective date of May 1, 1976, are being filed to reflect (a) the elimination of a previously expected PGA rate increase by Northern Natural Gas Company, which will not occur until subsequent to May 1, 1976; (b) the addition of a PGA rate increase of Texas Gas Transmission Corporation; and (c) the correction of an inadvertent double inclusion of an emergency purchase.

Mich-Wisc states it has mailed copies of its filing to its jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11612 Filed 4-21-76;8:45 am]

[Docket No. RP71-16 (PGA76-3) (Southern System)]

MIDWESTERN GAS TRANSMISSION CO.

PGA Filing Pursuant to Opinion Nos. 749 and 749-A

APRIL 14, 1976.

Take notice that on March 31, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing Thirteenth Revised Sheet No. 5 to Third Revised Volume No. 1 to its FPC Gas Tariff. Midwestern states that the sole purpose of the revised tariff sheet, proposed to

be effective May 1, 1976, is to reflect an increase in its Southern System rates resulting from an increase filed by its supplier, Tennessee Gas Pipeline, a Division of Tenneco Inc. (Tennessee). Tennessee's increase, Midwestern states, was based solely on increased purchased gas costs resulting from the increased rates for producers in accord with Opinion Nos. 749 and 749-A.

Midwestern requests waiver of Sections 1.2 and 1.3 of Article XVII of its FPC Gas Tariff in order to make the revised tariff sheet effective on May 1, 1976. Midwestern states that the proposed effective date is in accord with Opinion No. 749-A which specifically allows such PGA increases to become effective on that date.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11628 Filed 4-21-76;8:45 am]

[Docket No. CP76-325]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

APRIL 14, 1976.

Take notice that on April 6, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-325 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide 5,910,005 Mcf of long-term winter storage service to certain existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into transportation and storage agreements with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Michigan Consolidated Gas Company (Consolidated), respectively, providing for long term transportation and storage of 5,800,000 Mcf of natural gas (Mcf at 1,000 Btu measured on a wet

basis, which approximately equals 5,910,005 Mcf measured on a dry basis). Applicant states further that these agreements, which are the subject of separate applications by Michigan Wisconsin in Docket No. CP76-225¹ and Consolidated in Docket No. CP76-254,² would, in turn, enable Applicant to offer 5,910,005 Mcf of long-term winter storage service over the winter period of November through March to the following customers:

| Customer: | Share of total winter quantity (1,000 ft. ³) |
|--------------------------------------|--|
| Associated Natural Gas Co. | 16,644 |
| Illinois Power Co. | 436,370 |
| Iowa Electric Light & Power Co. | 217,370 |
| Iowa-Illinois Gas & Electric Co. | 967,763 |
| Iowa Power & Light Co. | 74,353 |
| Iowa Southern Utilities Co. | 39,068 |
| Monarch Gas Co. | 8,533 |
| North Shore Gas Co. | 502,885 |
| The Peoples Gas Light & Coke Co. | 3,514,264 |
| City of Perryville, Missouri | 13,344 |
| City of Spearville, Kansas | 1,421 |
| United Cities Gas Co. | 17,038 |
| Wisconsin Southern Gas Company, Inc. | 100,952 |
| Total | 5,910,005 |

The application states that to support the proposed storage service, participating customers would provide to Applicant volumes of natural gas from their existing entitlements with Applicant equivalent to all top gas and fuel gas Applicant is required to deliver to Michigan Wisconsin and Consolidated under the agreements, which includes, on an annual basis, a winter contract quantity of 5,800,000 Mcf, plus 5 per cent of this winter contract quantity for use as compressor fuel. Therefore, the storage service would not affect Applicant's annual gas supply, Applicant states. The storage service would be offered for a term of 15 years beginning March 1, 1976, and extending to April 1, 1991.

It is stated that the storage service would be offered under Applicant's Rate Schedule MS-3, revised to reflect the terms and provisions of the proposed storage service. The proposed storage service would be billed on a monthly demand basis at a demand rate of 67.78 cents, based on costs incurred by Applicant to provide the service, multiplied by one-twelfth of the sum of the monthly withdrawal quantities.

Applicant states that the proposal would enable Applicant to provide winter storage service for its customers for the 1976-77 winter period and thereafter and would permit Applicant's customers to husband off-peak summer gas and take delivery of their gas during the high priority winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4,

1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11624 Filed 4-21-76; 8:45 am]

[Docket No. RP71-125 (PGA76-5a)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Revision of PGA Filing To Track Increases Related to Opinion Nos. 749 and 749-A and Supplier Rate Increases

APRIL 14, 1976.

Take notice that on April 8, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed substitute tariff sheets, to be effective May 1, 1976: Substitute Twenty-seventh Revised Sheet No. 5
Substitute Second Revised Sheet No. 5A

Natural states the filing was made to revise Natural's March 29, 1976 PGA filing to reflect the Alternate rates filed by Colorado Interstate Gas Company (Colorado) on March 24, 1976 in lieu of the rates filed by Colorado on February 20, 1976. The Commission accepted Colorado's alternate filing to be effective May 1, 1976 by letter order of March 31, 1976.

Natural states that this filing also eliminates the estimated one month deferred cost of the Colorado increase which was included in Natural's PGA

filing and corrects a transposition error of 0.09¢ in the Base and Currently Effective Rates for Rate Schedule G-1.

The effect on the PGA current adjustment as filed March 29 and the substitute adjustment is shown below:

| | Current adjustment as filed (in cents) | Substitute adjustment (in cents) |
|----------------------|--|----------------------------------|
| Producer suppliers | 2.32 | 2.32 |
| Pipeline suppliers | 1.17 | 1.23 |
| Surcharge adjustment | 5.79 | 5.50 |
| Total | 9.28 | 9.15 |

Natural requested waiver of the Commission's regulations to the extent necessary to permit the acceptance of the filing to become effective May 1, 1976.

Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11627 Filed 4-21-76; 8:45 am]

NORTHERN ILLINOIS GAS CO.

[Docket No. G-10632]

Application

APRIL 14, 1976.

Take notice that on February 6, 1976, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application¹ pursuant to Section 1(c) of the Natural Gas Act for a declaration of continuing exemption from the provisions of the Natural Gas Act notwithstanding Applicant's participation in a scheme involving the transportation of

¹ The application was initially tendered for filing on February 6, 1976, however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 7, 1976; thus, filing was not completed until the latter date.

² The pleading is styled "Petition of Northern Illinois Gas Company to Intervene [in Docket No. CP76-208] and Application for Continuing Exemption under Section 1(c) of the Natural Gas Act [in Docket No. G-10632]."

¹ Notice published March 15, 1976 (41 FR 10957).

² Notice published March 8, 1976 (41 FR 9923).

natural gas and the rescheduling of deliveries of natural gas to assist Mid-Continent Gas Storage Company (Mid-Continent) in the development of the Media Field, Henderson County, Illinois, as a natural gas storage facility, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP76-208 Mid-Continent, a wholly-owned subsidiary of Applicant, filed an application^a pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain pipeline and storage facilities necessary to develop and operate the Media Field as an aquifer natural gas storage reservoir. The field and related equipment would be acquired from Applicant at original cost and Applicant would provide equity financing and management services.

It is stated that Mid-Continent proposes to construct 43.5 miles of 30-inch pipeline to connect the Media Field with the Amarillo pipeline of Natural Gas Pipeline Company of America (Natural) in Rock Island County, Illinois. When the field would be developed to the proposed operational level, Mid-Continent would receive injection gas at and deliver withdrawal gas for its customers' accounts at the Rock Island County interconnection. Mid-Continent's customers would be Northern Natural Gas Company, Iowa-Illinois Gas & Electric Company, and Kaskaskia Gas Company.

The application states that Natural presently delivers gas into the Mississippi River District portion of Applicant's intrastate system which includes a distribution main extending from Rock Island County to a point 7.5 miles west of the Media Field. In order to postpone investment by Mid-Continent in the 30-inch pipeline, Applicant states, Applicant has agreed that during the initial testing period (estimated by Mid-Continent at approximately 30 months) Applicant would transport gas from Rock Island County to an interconnecting point between Applicant's distribution main and a 10-inch pipeline to the Media Field to be constructed by Mid-Continent.

Further, Applicant states, it has agreed that during the initial testing period it would facilitate the delivery of test withdrawal gas to Mid-Continent's customers. It is said that most of the withdrawal gas during this period would be delivered by Mid-Continent into Applicant's Mississippi River District distribution system and used to serve the daily requirements of that system. In order to make equivalent volumes of gas available to Mid-Continent's customers, Natural would, on each day withdrawals would be made, reduce its deliveries to Applicant in Rock Island County and increase deliveries to Mid-Continent's customers by an amount equivalent to the withdrawal quantities used by Applicant. It is stated that on

no more than five days during the initial testing period would test withdrawal quantities of gas exceed Applicant's daily gas requirements for the Mississippi River District. On those days, Applicant states, a quantity of gas (estimated at no more than 15,000 Mcf on any one day) would be transported back through Applicant's distribution main to Rock Island County for delivery to Natural. Natural would, in turn, deliver these volumes to Mid-Continent's customers by displacement, the application states.

Applicant alleges that all of the gas to be transported by Applicant would be received within the State of Illinois and that virtually all of the gas would be consumed within the State of Illinois. Further, Applicant states, the transportation and rescheduling arrangements are for a limited term and would permit Mid-Continent to undertake its initial tests without first incurring the substantial investments associated with the construction of the 30-inch pipeline. The application states that Applicant's participation in the transportation and rescheduling arrangements are contingent upon the Commission's declaration that Applicant's existing exemption under the Section 1(c) of the Natural Gas Act would not be affected by its participation in these arrangements and Applicant requests that the Commission so find.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11625 Filed 4-21-76; 8:45 am]

[Docket No. RP76-52, et al.]

NORTHERN NATURAL GAS CO.

The Filing of Revised Tariff Sheets

APRIL 14, 1976.

Take notice that on March 16, 1976, Northern Natural Gas Company (Northern) filed with the Federal Commission certain revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 to be effective September 26, 1976. The revised tariff sheets consist of:

- Substitute Fourth Revised Sheet Nos. 59, 59a, and 59b.
- Substitute Second Revised Sheet Nos. 59c, 59d, 59e, and 59f.
- Substitute First Revised Sheet Nos. 59g, 59h, 59i, and 59j.
- Original Sheet No. 59k.

On December 31, 1975, Northern had filed with the Commission its proposed

revisions of tariff sheets 59-59j. Said tariff sheets constituted a revision of Northern's presently effective curtailment plan. By order issued March 10, 1976, these tariff sheets were accepted for filing and suspended for one day until September 27, 1976.

Northern states that the placement of deliveries pursuant to Rate Schedule PL-1 (Pipe Line Service) in Priority Category 2 was predicated on the assumption that volumetric limitations would be in effect on September 27, 1976. Northern states that since no volumetric limitations will be implemented by September, deliveries under PL-1 should be curtailed on an annual basis in accordance with the provisions of a new Paragraph 9.4. In addition Northern now proposes to place "EG Plant Sales" made on a firm basis in a new Priority (11A) of Paragraph 9.2.

Northern requests that the new tariff sheets be suspended for one day to become effective on September 27, 1976, in conformance with the Commission's order of March 10, 1976. In addition, Northern requests such waivers of the rules and regulations as are necessary, particularly waiver of Section 154.66, to assure an effective date of September 27, 1976.

Any person desiring to be heard or to make any protest with reference to said revisions of Northern's tariff filing should, on or before May 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 C.F.R. 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has previously filed a petition to intervene or a notice of intervention in this Docket number need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11623 Filed 4-21-76; 8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO.

Filing of Settlement Agreement

APRIL 16, 1976.

Take notice that on April 8, 1976, a Settlement Agreement accompanied by a Joint Motion To The Presiding Administrative Law Judge By Northern States Power Company And Its Municipal Customers For An Initial Decision, Or To Certify Settlement Agreement To Commission for Approval were filed with the Commission. This settlement agreement purports to resolve all issues with regard to the company's filing of December 2, 1974.

^a Notice published January 30, 1976 (41 FR 4658).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11637 Filed 4-21-76;8:45 am]

[Docket Nos. RP72-154 and RP74-72 (PGA No. 73-3 and DCA No. 76-2)]

NORTHWEST PIPELINE CORP.
Order Granting Intervention

APRIL 15, 1976.

On February 13, 1976, Northwest Pipeline Corporation (Northwest) tendered for filing a revised tariff sheet¹ reflecting a rate decrease. Notice of Northwest's tender was issued on February 20, 1976, with protests and petitions to intervene due on or before March 8, 1976. An untimely petition to intervene was filed by Cascade Natural Gas Corporation (Cascade) on March 10, 1976. Having reviewed the above petition to intervene, we believe that Cascade has sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filing.

The Commission finds: The participation of Cascade in these proceedings may be in the public interest and good cause exists for permitting the late filing.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11651 Filed 4-21-76;8:45 am]

¹Twelfth Revised Sheet No. 10 to Original Volume No. 1.

[Docket No. CP75-294]

NORTHWEST PIPELINE CORP.
Amendment to Application

APRIL 16, 1976.

Take notice that on April 7, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-294 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale to, transportation for, and exchange with Mountain Fuel Supply Company of natural gas from the Barrel Springs Area of Carbon County, Wyoming, by which amendment Applicant requests authorization to transport and sell for resale to and to exchange natural gas with Colorado Interstate Gas Company (CIG), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant states that it has under contract a new source of gas supply in the Barrel Springs Area with initial deliverability estimated at 6,000 Mcf of gas per day. The acreage committed to these contracts is said to be approximately 92 miles from the closest point on Applicant's transmission system. Accordingly, Applicant proposes to deliver the gas purchased in the Barrel Springs Area at a point on Western Transmission Corporation's pipeline in Carbon County for transportation through existing facilities and delivery to CIG at an existing point of interconnection in Sweetwater County, Wyoming. CIG would redeliver gas to Applicant from the gas CIG currently purchases from Applicant at an existing point of interconnection with Applicant in Carbon County. The exchange would be on a thermally equivalent basis.

Applicant states that CIG would have a continuing option to purchase up to 25 percent of the gas delivered by Western to CIG. Applicant would charge CIG a rate based on the average purchase price paid by Applicant for all gas delivered to Western for CIG's account plus Applicant's full cost of service for transporting gas purchased by CIG. The initial transportation cost is said to be 6.9 cents per Mcf at 14.73 psia.

The amendment states that Applicant would reimburse CIG for the transportation charge payable by CIG to Western insofar as said transportation charge is applicable to the gas delivered to Applicant by CIG. The charge would be that provided in Western's Rate Schedule F, which is said to be currently 9.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 11,

¹The amendment was initially tendered for filing on April 7, 1976, however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 12, 1976; thus, filing was not completed until the latter date.

1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests in the instant docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11644 Filed 4-21-76;8:45 am]

[Docket No. G-17136]

OLEUM INCORPORATED, OPERATOR,
ET AL.

Relief From Refund Obligations Under
Opinion No. 595

APRIL 13, 1976.

Take notice that on March 29, 1976, Oleum Incorporated, Operator, et al. (Petitioner) F/T/A Trice Production Company (TPC), P.O. Drawer 2232, Longview, Texas 75601, filed a petition for relief in Docket No. G-17136, from any refund obligation imposed on it and its co-owners under Order No. 595, as amended. Petitioner states that the supply of gas from leases operated by TPC subject to a contract became exhausted and the wells thereon ceased to produce. Petitioner alleges that the TPC bankruptcy may have ramifications that are proper for the Commission to consider in determining whether or not a refund should be required of TPC. Also, after bankruptcy on October 15, 1962, because of the pending reorganization proceedings no refunds were held against the possibility of a refund. Additionally, numerous royalty owners were paid. Petitioner also states that to impose a refund obligation on Petitioner will impose a burden on Petitioner to repay funds others received and which it cannot recoup. Several co-owners are now deceased and to recoup funds from their estates or heirs may be practically and technically impossible. In addition a number of co-owners transferred their interests before the wells were depleted to different successors.

Petitioner requests that the Commission grant to it relief from any obligation to refund the price collected subject to refund; that this application be disposed of in accordance with the shortened procedure provided for in Rule 1.32 of the Commission's Rules of Practice and Procedure, and in that case, Petitioner requests that the intermediate decision procedure be omitted and waives oral hearings.

Any person desiring to be heard or to make any protest with reference to said

petition should on or before April 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11610 Filed 4-21-76;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.
Notice of Further Extension of Procedural Dates

APRIL 16, 1976.

On April 8 and 12, Panhandle Eastern Pipe Line Company and the General Service Customer Group respectively filed motions to extend the procedural dates fixed by order issued June 30, 1975, as most recently modified by notice issued February 18, 1976, in the above-designated proceeding.

The motions indicate that no party objects to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Rebuttal Testimony, April 23, 1976.
Service of Company Rebuttal, April 30, 1976.
Hearing, May 10, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11636 Filed 4-21-76;8:45 am]

[Docket Nos. CI76-421 and CI76-422]

PHILLIPS PETROLEUM CO.

Application for Permission and Approval for Partial Abandonment of Sale

APRIL 16, 1976.

Take notice that on March 12, 1976, Phillips Petroleum Company (Applicant), 5 C4 Phillips Building, Bartlesville, Oklahoma 74004, filed an application for permission and approval for partial abandonment of sale in Docket Nos. CI76-421 and CI76-422, pursuant to Section 7(b) of the Natural Gas Act and Section 157.30 of the Commission's Regulations. Applicant makes application for permission and approval to partially abandon a sale under its FPC Gas Rate Schedule No. 32 heretofore authorized in Docket No. CI76-421 of residue gas to El Paso Natural Gas Company Hugoton Area, Moore County, Texas; and a sale under its FPC Gas Rate Schedule No. 399 heretofore authorized in Docket No. CI76-422 of residue gas to Panhandle

Eastern Pipe Line Company (Panhandle) from Phillips' Sneed Plant, Moore County, Texas. Applicant states that said application for partial abandonment deals with leases which are due to expire at various times between March and June, 1976. Phillips' application applies to all of the seven leases involved in the abandonment application filed by Kerr-McGee on February 6, 1976, in Docket No. G-2762, except for the Breyfogle lease. Phillips seeks abandonment authorization here with respect to the resale by it of gas purchased from Kerr-McGee which is involved in Kerr-McGee's abandonment authorization in Docket No. G-2762 in the event Kerr-McGee receives such authority in that case.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11648 Filed 4-21-76;8:45 am]

[Docket Nos. ER76-149, E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Extension of Time

APRIL 14, 1976.

On April 7, 1976, Public Service Company of Indiana (PSI) filed a motion to extend the time for filing supplemental evidence pursuant to order issued March 19, 1976, in the above-indicated proceeding. Staff Counsel and the Intervenor do not object to the requested extension.

Notice is hereby given that the time for PSI to file supplemental evidence in the above-indicated proceeding is extended from April 19, 1976 to and including April 26, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11618 Filed 4-21-76;8:45 am]

[Docket Nos. ER76-308 and ER76-386]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Filing of Stipulation and Agreement

APRIL 15, 1976.

Take notice that on April 8, 1976, the Public Service Company of New Mexico (PSNM) tendered for filing a proposed

Stipulation and Agreement of Settlement in the above-captioned dockets intended to resolve all of the issues raised therein. The only other parties to this proceeding, Community Public Service Company and the Energy Research and Development Agency, have executed the proposed Agreement.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 26, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11649 Filed 4-21-76;8:45 am]

[Docket No. ER76-503]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order Accepting Revised Tariff Sheets for Filing, Granting Waiver, and Ordering Refunds

APRIL 16, 1976.

For the reasons hereinafter stated, the Commission by this order waives notice requirements and accepts the revised tariff sheets tendered herein for filing to be effective November 1, 1975 and orders refunds with interest of all revenues collected under the gross receipts clause since March 6, 1975, the effective date of a New Jersey rule requiring such discounts.

On February 5, 1976, Public Service Electric and Gas Company (PSE&G) tendered for filing a two-sheet revision to Rate Schedules FPC No. 53 and 54, applicable to the Boroughs of Milltown & South River, New Jersey (Towns) respectively, which rate schedules became effective November 1, 1975, in Docket No. ER76-156.

The stated purpose of the tendered revisions is to include language extending to the customer municipalities discounts equal to taxes paid by PSE&G on gross receipts when sales are exempt from such taxes under New Jersey law, as required by a rule adopted by order of March 6, 1975, by the New Jersey state Department of Treasury.

PSE&G requests waiver of notice requirements so that the changes may be permitted to become effective as of November 1, 1975, to coincide with the effective date of the new rate schedule.

Public notice of the proposed tariff revision filing was issued on February 19, 1976 with protests or petitions to intervene due on or before March 2, 1976. No responses were received.

The Secretary, by letter dated March 9, 1976, requested PSE&G to advise the Commission why it was not appropriate to make refunds from March 6, 1975, the date the gross receipts tax exemption rule was adopted, rather than from November 1, 1975. PSE&G responded by letter dated March 15, 1976 (as corrected

by letter dated March 19, 1976) that the rate of return earned during the test year ended June 30, 1975 was less than that found to be reasonable by the Commission in Docket No. ER76-156. PSE&G also argues that the November 1, 1976 date is supported by the Commission's Opinion No. 700, 52 FPC (1974), in the *Metropolitan Edison Company* case, in which the Commission said that the purpose of a fuel clause would be defeated if a revised fuel clause was required with a consequent refund that would reduce a less than adequate return to an even lower level.

Commission review shows that the filed tariffs of PSE&G since March 6, 1975 have included a factor in the fuel adjustment clause specifically reflecting the effect of taxes based on gross receipts¹ and that PSE&G has been collecting such amounts accordingly, although, effective March 6, 1975, its sales to municipalities were exempt from such tax.

The Commission finds no merit in the arguments advanced by PSE&G for limiting the refund period to that commencing November 1, 1975. In its February 5, 1976 letter, counsel for PSE&G admits that public notice of the proposed New Jersey rule was issued on February 6, 1975. When the rule was adopted and made effective on March 6, 1975, PSE&G was no longer authorized to collect revenues from the Towns under the gross receipts tax clause contained in its filed tariffs. The fact that it alleges a low rate of return at the time does not overcome its lack of authorization to collect said amounts specifically premised on a no longer effective gross receipts tax. Accordingly, the Commission shall order PSE&G to make refunds with interest of all revenues collected from the Towns under the gross receipts tax clause from the date the proposed rule became effective on March 6, 1975. The Commission shall waive the notice requirements and accept the proposed tariff revisions for filing to become effective November 1, 1975 in order to coincide with the effective date of the present rate schedules.

The Commission finds: (1) PSE&G's revised tariff sheets to its FPC Rate Schedules No. 53 and 54 tendered for filing on February 5, 1976 should be accepted for filing and waiver of the notice requirement granted so that they be made effective as of November 1, 1975.

(2) PSE&G should be required to make refunds with interest at 9% per annum to the Towns of all amounts collected from the Towns under the gross receipts tax clause since March 6, 1975.

¹In pertinent part the fuel adjustment clauses provide: "The adjustment factor for each 0.1¢ variation above or below 60.0¢ per million Btu is 0.0012¢ (0.0011¢) per kilowatt hour multiplied by a factor to reflect the effect of taxes based on gross receipts and multiplied by the ratio of total kilowatt hours produced by Public Service in New Jersey by fossil fuels to the total kilowatt hours produced by Public Service in the month for which cost was determined."

The Commission orders: (A) PSE&G's revised tariff sheets tendered for filing on February 5, 1976 are hereby accepted for filing and waiver of the notice requirements is hereby granted so that the tariff sheets shall be effective from November 1, 1975.

(B) Within 30 days of the issuance of this order, PSE&G shall make refunds to the Towns of Milltown and South River, New Jersey of all revenues collected under the gross receipts tax clause including interest thereon at 9% per annum since March 6, 1975.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11634 Filed 4-21-76; 8:45 am]

[Docket No. E-9001]

ROCKLAND ELECTRIC CO.

Tender of Revised Tariff Sheets and Request for Waiver

APRIL 14, 1976.

Take notice that on March 5, 1976, Rockland Electric Company (REC) tendered for filing revised tariff sheets in substitution for the tariff sheets submitted on December 30, 1975, in the captioned docket. REC states that the purpose of the instant filing is to reduce the demand charge to its sole wholesale customer, the Borough of Park Ridge, New Jersey, from \$3.535/KW to \$3.533/KW. REC states further that the reduction is consistent with the February 3, 1976 letter from the Commission's Secretary concerning this matter.

REC also requests waiver of the Commission's Regulations to permit the subject revised tariff sheets to be made effective as of November 15, 1974. REC states that a refund of \$200.65, plus interest, will be made to Park Ridge upon approval by the Commission of the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11615 Filed 4-21-76; 8:45 am]

[Docket No. RP76-78]

SOUTHERN NATURAL GAS CO.

Filing of Substitute Tariff Sheet

APRIL 16, 1976.

Take notice that Southern Natural Gas Company (Southern), on April 2, 1976, tendered for filing a revised tariff sheet to be substituted for a tariff sheet filed on March 31, 1976. Southern states that the purpose of the sheet is to reflect the correct gathering allowance for the Northern Louisiana area.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11652 Filed 4-21-76; 8:45 am]

[Docket No. RP76-79]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 14, 1976.

Take notice that Southern Natural Gas Company, on March 31, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to United Gas Pipe Line Company under Southern's Rate Schedule F-15.

The purpose of this filing is to add Rate Schedule F-15, Original Sheet Nos. 454 through 495 and cancel Rate Schedule F-1, Sheet Nos. 2 through 46W. Rate Schedule F-1 expired by its own terms and is to be replaced by Rate Schedule F-15.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11621 Filed 4-21-76; 8:45 am]

[Docket No. RP73-49 (Refunds)]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Filing

APRIL 16, 1976.

Take notice that on April 9, 1976, in accordance with Section 14 of the General Terms and Conditions of South Georgia Natural Gas Company's (South Georgia) FPC Gas Tariff, Original Volume No. 1, South Georgia tendered for filing a report of refunds made to each of its jurisdictional customers. South Georgia states that the refunds reflect the amounts received from Southern Natural Gas Company which South Georgia is obligated to refund.

South Georgia states that a copy of the report of refunds has been served on each of its customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11635 Filed 4-21-76; 8:45am]

[Docket No. RP73-49 (PGA 76-4)]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

APRIL 16, 1976.

Take notice that on April 13, 1976 South Georgia Natural Gas Company (South Georgia) tendered for filing Nineteenth Revised Sheet No. 3A to Original Volume No. 1 of its FPC Gas Tariff.

South Georgia states that the above sheet represents a rate change under its PGA Clause for the purpose of tracking a rate increase filing made by Southern Natural Gas Company on April 13, 1976. The instant filing will increase South Georgia's jurisdictional rates by \$1,095.-828. An effective date of May 1, 1976 is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11640 Filed 4-21-76; 8:45 am]

[Project No. 405]

THE SUSQUEHANNA POWER CO.

Application for Use of Project Lands and Waters

APRIL 16, 1976.

Public notice is hereby given that on February 27, 1976, application was filed under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the Philadelphia Electric Power Company and The Susquehanna Power Company (Correspondence to: Edward G. Bauer, Jr., Esq., Eugene J. Bradley, Esq., 2301 Market Street, Philadelphia, Pennsylvania 19101) for use of project lands and waters for constructed Conowingo Project No. 405, located on the Susquehanna River, in Harford and Cecil Counties, Maryland, and York and Lancaster Counties, Pennsylvania.

Philadelphia Electric Company intends to construct two additional cooling towers at its Peach Bottom Atomic Station located upstream of the Conowingo Project No. 405. The two cooling towers are being constructed to meet the cooling water discharge requirements set forth by the U.S. Environmental Protection Agency and the State of Pennsylvania. In order to convey condenser cooling water to the additional towers it would be necessary to locate 1,450 feet of 15-foot diameter submerged pipe on the river bed of the Conowingo Reservoir within the boundary of Project No. 405. The pipe would rest on a base of approximately 15,000 cubic yards of crushed rock on a 20-foot wide strip of river bottom approximately 15 feet below the surface at normal pond elevation (108.5 feet above M.S.L.). The cooling towers would not be constructed on project lands.

The Susquehanna Power Company and the Philadelphia Electric Power Company, joint Licensees of the Conowingo Project No. 405, stated that the operation of the two additional cooling towers by Philadelphia Electric Company will not increase the rate of water withdrawn from the Conowingo Reservoir, but will result in an increase in the maximum consumptive use of water from 38 cfs to 55 cfs.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The applicant or initial pleader has requested that the shortened procedure of Section 1.32(b) be issued. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11642 Filed 4-21-76; 8:45 am]

[Docket No. E-6130]

SWANTON VILLAGE, VT.

Order Terminating Permit To Maintain Facilities at the International Border

APRIL 15, 1976.

On July 26, 1948, the Village of Swanton, Vermont was issued a Presidential Permit in Docket No. E-6130 to operate, maintain, and connect electric transmission lines between the United States and Canada. The electric lines are described as (1) "one 3-phase wood-pole line operating nominally at 13,200 volts * * *" and (2) "two single-phase wood-pole lines, each operating nominally at 2,300 volts * * *."

The Commission was advised by letter dated June 13, 1961, that Swanton was still serving a few customers in Canada and was discussing the possibilities of exchanging power with Southern Canada Power Company. Swanton made no further disclosures of the results of the discussion or the continued use of the lines. However, Swanton indicates that the lines authorized by the Permit have been removed and Swanton would have no objection to termination of the Permit by the Commission.

The Commission finds: It is necessary and appropriate for the purposes of the

Federal Power Act and Executive Order No. 10485, dated September 3, 1953, that the above-mentioned Presidential Permit be revoked and the Village of Swanton be directed to remove any facilities authorized thereby; all as hereinafter ordered.

The Commission orders: (A) The authorization heretofore granted to the Village of Swanton, Vermont to maintain facilities at the international border, United States and Canada, as referred to above, hereby are terminated and revoked.

(B) The Village of Swanton, Vermont, within 30 days from the issuance of this order, shall remove all facilities which it heretofore maintained at the international border pursuant to the above-mentioned Presidential Permit which have not been removed by it heretofore.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11654 Filed 4-21-76; 8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Proposed Changes in FPC Gas Tariff

APRIL 14, 1976.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on April 8, 1976, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volume No. 1, First Revised Sheet No. 4a. The proposed changes would adjust the rates TGPLC charges its resale customers, Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation, in accordance with the Stipulation and Agreement filed in the above proceeding on December 17, 1975, and as that Agreement was approved in the Commission's Order Approving Settlement issued March 29, 1976 in the same proceeding. In accordance with the Agreement and Commission Order, the tariff changes would be effective August 10, 1975. TGPLC says that this tariff sheet filing is in compliance with ordering paragraph (B) of the above-described Commission Order.

TGPLC states that copies of its filing were served upon the Company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11614 Filed 4-21-76; 8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Proposed Changes in FPC Gas Tariff

APRIL 16, 1976.

Take notice that United Gas Pipe Line Company (United), on April 9, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes are based on the twelve-month period ending December 31, 1975, as adjusted, and would increase jurisdictional sales and transportation revenues by \$20,955,847.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended December 31, 1975, as adjusted. The cost of service reflects increases in all levels of cost except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change effective January 2, 1976. United also states that its jurisdictional sales volume for the test period has declined 56.4 million Mcf from the volumes included in United's last rate increase filing at Docket No. RP75-109.

United states further that copies of the filing have been served upon United's jurisdictional customers and the public service commissions in the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11646 Filed 4-21-76; 8:45 am]

[Docket No. ER76-606]

VERMONT ELECTRIC POWER COMPANY, INC.

Filing of Rate Schedule

APRIL 16, 1976.

Take notice that on April 9, 1976, the Vermont Electric Power Company, Inc.

(Vermont) tendered for filing the following Rate Schedule:

"Purchase Agreement for the sale of 1,248 kilowatts (KW) capacity and related energy from an electric generating facility in Bow, New Hampshire, owned and operated by the Public Service Company of New Hampshire, designated as "Merrimack No. 2" by the Vermont Electric Power Company, Inc. to the Braintree (Massachusetts) Electric Light Department, dated as of March 1, 1976."

Vermont states that service under the proposed Rate Schedule is to commence at 11:59 p.m. on March 31, 1976, and therefore requests a waiver of the notice requirements of the Commission's Regulations to permit an effective date of April 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11641 Filed 4-21-76; 8:45 am]

[Docket No. CS71-542, et al.]

W. C. MCBRIDE-SILURIAN OIL CO., ET AL.

Findings and Order After Statutory Hearing Issuing Small Producer Certificates of Public Convenience and Necessity

MARCH 24, 1976.

Page 4, line 16: Change "fully" to "full".

Appendix page 6, Docket No. CS76-281: Change filing date from "11-1-75" to "11-10-75".

Appendix page 6, Docket No. CS76-301: Under Applicant Column delete "Patricia Joyce James, dba"

Appendix page 6, Docket No. CS76-303: Under Applicant column add "Patricia Joyce James, dba"

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11613 Filed 4-21-76; 8:45 am]

[Docket No. ER76-92]

WESTERN POWER DIVISION, CENTRAL TELEPHONE & UTILITIES CORP.

Order Denying Rehearing

APRIL 16, 1976.

On March 19, 1976, the Kansas Municipal Defense Group (Municipals), constituting the twenty-one wholesale municipal customers of the Western

Power Division, Central Telephone & Utilities Corporation (Western Power), filed a "petition for clarification and rehearing" of the Commission's order of February 20, 1976, in this proceeding. For the reasons hereinafter stated, we shall deny such application for rehearing.

The subject proceeding involves a rate increase filing initially tendered by Western Power on August 29, 1975. The filing was found deficient and was subsequently completed on January 22, 1976 by the submission of revised test year data. Public notice of the August 29 filing was issued on September 10, 1975, with protests and petitions to intervene due on or before September 18, 1975. Public notice of the January 22 filing was issued on February 6, 1976, with protests and petitions to intervene due on or before February 17, 1976. On February 20, 1976, the Commission issued an order (1) accepting and suspending the proposed rates for one day until February 23, 1976, (2) rejecting that portion of the rate based upon the inclusion of CWIP in rate base, (3) permitting Western Power to file additional evidence with regard to income tax normalization, (4) denying various motions to reject, (5) granting interventions and (6) establishing hearing procedures.

Municipals seek clarification and reconsideration of the Commission's February 20, order in that such order failed to consider Municipals' second pleading of February 17, 1976. Municipals filed two pleadings each entitled "Protest, Petition to Intervene, Motion for Summary Judgment, and Motion to Reject Rate Filing or Alternatively for a Five-Month Suspension Thereof". The first pleading which was specifically discussed in our February 20 order, was filed on September 18, 1975, in response to Western Power's August 29 filing. The second pleading was filed on February 17, 1976, in response to the January 22 filing.

In its February 17 pleading, which closely parallels the September 18 pleading, Municipals moved for summary rejection of Western Power's filing for allegedly utilizing an impermissible capitalization in its return, for inclusion of construction work in progress in rate base, for utilization of income tax normalization and for inclusion of an arbitrary, onerous nominated billing demand provision which has no cost justification. Municipals also sought summary disposition of the filing insofar as it includes alleged illegal exclusive dealing and resale limitation provisions. In the alternative Municipals protested the proposed rate change and requested that the Commission suspend the rates for the full five-month statutory period, set the matter for hearing and permit Municipals to intervene.

In the application for rehearing Municipals request that the February 17 pleading be considered by the Commission and that the relief sought therein be granted. The February 20 order specifically considered and denied the relief sought by Municipals' September 18 pleading. Insofar as that pleading is

similar to its February 17 pleading, and based on further review the Commission believes that to the extent not granted in our February 20 order, the relief requested in Municipals' February 17 pleading should be denied. Municipals' application for rehearing raises no issues of fact or law not considered before, or being herein considered to justify granting rehearing of our February 20 order.

The Commission finds: (1) Except to the extent granted in our February 20, 1976 order, the relief requested in Municipals' February 17, 1976 pleading should be denied.

(2) Municipals' application for rehearing raises no issues of fact or law not considered before, or being considered herein, to warrant granting rehearing of our order of February 20, 1976.

The Commission orders: (A) Except to the extent granted in our February 20, 1976 order, the relief requested in Municipals' February 17, 1976 pleading is hereby denied.

(B) Municipals' application for rehearing is hereby denied.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11639 Filed 4-21-76; 8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.
Order Approving Settlement Agreement
APRIL 12, 1976.

On December 30, 1974, Wisconsin Power and Light Company (Wisconsin) tendered proposed changes in its W-2 and W-3 Electric Tariff, Wholesale For Resale. A supplemental filing in response to a deficiency letter was submitted on January 20, 1975. By order issued February 19, 1975, the Commission accepted the proposed rate increase for filing as of January 20, 1975 and permitted it to become effective subject to refund on February 21, 1975. Intervention was granted to five cooperative customers (Cooperatives) and to the Municipal Wholesale Group (Municipals); and a hearing was ordered.

The rate increase was rejected insofar as it would have applied to service to six municipal customers under contracts reciting fixed rates which cannot be modified by a unilateral filing under Section 205 of the Federal Power Act. Rehearing of that partial rejection was sought by Wisconsin and denied by order of April 18, 1975.

Prior to the submission of evidence by the Commission Staff and the intervenors, a settlement was negotiated by all parties. A Stipulation signed by Wisconsin and by counsel for the five affected cooperatives and for the Municipals was filed on November 28, 1975. A Notice issued on December 8, 1975, set December 18, 1975 as the deadline for

timely protests or comments.¹ On December 22, 1975, Wisconsin filed a motion for acceptance of the settlement Staff's reply of December 23, 1975 supported acceptance of the Stipulation as filed.

The Stipulation set forth the specific negotiated rate for each of the affected cooperative and municipal customers.² Wisconsin is required to make appropriate refunds with interest at nine percent per annum. The settlement rates will yield 1975 revenues of \$4,930,534 from service to cooperatives under the W-2 Rate Schedule, a decrease of \$241,166 from the originally proposed rates.³ Service to municipal customers under the W-3 Rate Schedule will produce 1975 revenues of \$15,205,607, a reduction of the originally proposed rates by \$768,195. For the test period ending December 31, 1975, the aggregate proposed rate increase of \$5,057,795 for all wholesale service has been reduced by \$1,009,361 to \$4,048,434. Wisconsin had sought an overall rate of return for 1975 of 8.918%. The Stipulation provides for a return of 8.808% including a return on common equity of 12.0%.

Upon its review, the Commission has determined that the proposed settlement embodied in the Stipulation filed by Wisconsin represents a just and reasonable resolution of all issues in this proceeding and should be approved without modification.

The Commission finds. Good cause has been shown to accept and approve the settlement Stipulation filed by Wisconsin on November 28, 1975.

The Commission orders. (A) The Stipulation filed by Wisconsin on November 28, 1975, and incorporated herein by reference is hereby accepted and approved.

¹ In a telegram of December 18, 1975, referenced to this docket, Counsel for the Municipals protested that the "rate increase date November 26, 1975" was excessive, unjust and constituted an attempted price squeeze, petitioned to intervene, and requested a five month suspension and a hearing. The Municipals had already been granted intervention in this proceeding in the order of February 19, 1975, which had accepted and suspended the subject rate filing. This telegram did not refer to the Stipulation filed three weeks earlier which had been signed by Counsel for the Municipals and which reflects a reduction rather than an increase in the rates then in effect subject to refund. Instead, this telegraphic filing of December 18, 1975 will be construed as a protest and petition concerning Wisconsin's superseding rate increase filed on December 3, 1975 in Docket No. ER76-331. Notice of that filing was issued on December 17, 1975 with comments, protests, and petitions due on or before December 29, 1975.

² Appended below are a listing of the specific rate increases for each customer (Appendix A), a settlement cost of service (Appendix B), and a statement of capitalization (Appendix C), as submitted with the Stipulation.

³ For purposes of comparison only, the specific figures recited in the Stipulation were calculated by assuming that negotiated rate increases are applicable to the six municipal customers served under fixed rate contracts.

(B) Within 30 days Wisconsin shall file appropriate rate schedules to be effective as of February 21, 1975, to substitute the settlement rates approved herein for the rates put in effect subject to refund by order of February 19, 1975, in this docket.

(C) Within 30 days after the rate schedules to be filed as ordered above are accepted, Wisconsin shall make appropriate refunds to the affected customers, with interest at the rate of 9% per annum.

(D) Within 15 days after appropriate refunds have been made, Wisconsin shall file with the Commission a compliance report. This compliance report should detail (1) the monthly billing determinants and revenues by customer under the prior, originally proposed, and settlement rates; (2) the monthly set-

tlement rate increase, refund, and interest computation for each customer, and that information summarized for each rate class, for each month, every successive twelve months and the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Wisconsin, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Wisconsin or any other person or party.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—Wisconsin Power and Light Co., summary of revenues of rural electric cooperatives, wholesale rate schedule W-2, period II—test year 1975

| | | Revenue | | |
|------------------------|-------------|--------------|--------------------------|---------------------|
| Metering point | | Present rate | Settlement proposed rate | Settlement increase |
| Adams-Marquette REC: | | | | |
| Adams T | Friendship | \$301,832 | \$367,381 | \$65,549 |
| Easton T | Easton | 74,032 | 90,309 | 16,277 |
| Jackson T | Gen Station | 211,325 | 257,305 | 45,980 |
| Lewiston T | Portage | 103,049 | 198,715 | 95,666 |
| Lincoln T | Brooks | 143,065 | 173,569 | 30,474 |
| Montello T | Montello | 293,763 | 356,795 | 63,032 |
| Strong Prairie T | Dellwood | 102,292 | 124,605 | 22,313 |
| Central Wisconsin REC: | | | | |
| Alban T | Rosholt | 157,114 | 191,860 | 34,746 |
| Almon T | Bowler | 100,271 | 122,241 | 21,970 |
| Fairbank T | Tigerton | 150,294 | 184,103 | 33,809 |
| Iola T | Iola | 246,696 | 300,766 | 54,070 |
| Wittenberg T | Wittenberg | 65,249 | 80,036 | 15,587 |
| Columbus REC: | | | | |
| Springvale T | Cambridge | 98,467 | 121,694 | 23,227 |
| Fountain Pr. T | Doylestown | 574,421 | 700,286 | 125,865 |
| Rock County REC: | | | | |
| Beloit T | Prairie Rd | 107,020 | 130,251 | 23,231 |
| Brandford T | Avalon | 113,879 | 138,721 | 25,342 |
| Fulton T | Sheepskin | 87,439 | 107,020 | 19,581 |
| Harmony T | Kennedy Rd | 100,797 | 123,440 | 22,643 |
| Newark T | Beloit | 100,852 | 122,960 | 22,108 |
| Sp. Valley T | Orfordville | 120,096 | 157,743 | 37,647 |
| Turtle T | Clinton | 68,738 | 84,335 | 15,597 |
| Waushara REC: | | | | |
| Hancock T | Hancock | 172,291 | 211,440 | 39,149 |
| Marion T | Springlake | 73,214 | 89,463 | 16,249 |
| Springwater T | Wild Rose | 108,746 | 132,835 | 24,089 |
| Wantoma T | Wantoma | 197,189 | 240,434 | 43,245 |
| Richford T | Richford | 99,915 | 122,227 | 22,312 |
| Total | | 4,040,576 | 4,930,534 | 889,958 |

APPENDIX A.—Wisconsin Power and Light Co., summary of revenues for municipalities and utility companies, wholesale rate schedule W-3, period II—test year 1975

| | Revenue | | |
|--|--------------|--------------------------|---------------------|
| | Present rate | Settlement proposed rate | Settlement increase |
| Municipalities: | | | |
| Belmont | \$71,887 | \$88,360 | \$16,473 |
| Benton | 60,346 | 73,704 | 13,358 |
| Black Earth | 148,785 | 185,967 | 37,182 |
| Boscobel | 357,793 | 451,448 | 93,655 |
| Brodhead | 310,187 | 390,632 | 80,445 |
| Columbus ¹ | 405,869 | 558,901 | 123,032 |
| Cuba City | 182,301 | 228,475 | 46,174 |
| Evansville | 451,809 | 571,182 | 119,373 |
| Footville | 53,816 | 65,412 | 11,596 |
| Gresham | 73,619 | 91,844 | 18,225 |
| Hazel Green | 78,189 | 96,857 | 18,668 |
| Hustisford | 160,952 | 201,569 | 40,617 |
| Juneau | 286,767 | 360,458 | 73,691 |
| Lodi | 155,288 | 235,702 | 80,414 |
| Mazomanie | 98,429 | 121,960 | 23,531 |
| Mount Horeb | 323,021 | 406,700 | 83,679 |
| Muscola | 141,667 | 177,354 | 35,687 |
| New Glarus | 191,807 | 240,389 | 48,582 |
| Pardeeville | 142,897 | 178,694 | 35,797 |
| Plymouth | 1,496,963 | 1,897,530 | 400,567 |
| Prairie du Sac | 184,249 | 230,605 | 46,356 |
| Princeton ¹ | 145,910 | 182,084 | 36,174 |
| Reedsburg | 873,009 | 1,105,195 | 232,186 |
| Sauk City | 313,213 | 394,191 | 80,978 |
| Shelbourn Falls | 1,061,652 | 1,346,382 | 284,730 |
| Shullsburg ¹ | 121,285 | 150,751 | 29,466 |
| Stoughton ¹ | 1,025,251 | 1,300,388 | 275,137 |
| Sun Prairie | 1,038,728 | 1,314,504 | 275,776 |
| Waunakee | 321,072 | 407,674 | 86,602 |
| Waupun | 837,015 | 1,063,282 | 226,267 |
| Wisconsin Dells | 389,723 | 492,794 | 103,071 |
| Wausau | 107,622 | 138,867 | 31,245 |
| Utility companies: | | | |
| Cross Plains Electric Co. ¹ | 170,402 | 213,539 | 43,137 |
| Pioneer Power & Light Co. ¹ | 165,608 | 206,973 | 41,365 |
| Total | 12,047,131 | 15,205,607 | 3,158,476 |

¹ Fixed rate contract customers. Settlement revenues for these customers are included for purposes of comparison only (total originally proposed revenue included these 6 customers).

APPENDIX B.—Wisconsin Power and Light Co., FPC Docket E-9198—cost of service and return on rate base for W-2 and W-3 service, test year 1975 (based on negotiated revenue increases and expenses)

| | W-2 | W-3 | Total W-2, W-3 |
|-----------------------------|-------------|-------------|----------------|
| Negotiated revenue increase | \$890,347 | \$3,159,653 | \$4,050,000 |
| Ditto—at proposed rates | 839,958 | 3,158,476 | 4,048,434 |
| Present revenues | 4,040,576 | 12,047,131 | 16,087,707 |
| Revenue—at proposed rates | 4,930,584 | 15,205,607 | 20,136,191 |
| Operating expense | 3,654,905 | 11,006,706 | 14,661,611 |
| Income taxes | 284,329 | 944,941 | 1,229,270 |
| Return | 991,300 | 3,253,960 | 4,245,260 |
| Rate base | 11,254,539 | 36,943,239 | 48,197,778 |
| Percent return on rate base | 8.898 | 8.808 | 8.808 |
| Based on FPC staff study | \$1,012,918 | \$3,477,151 | \$4,490,069 |
| Percent allocation | 22 | 78 | 100 |

APPENDIX C.—Wisconsin Power and Light Co., FPC Docket E-9198, capitalization and return on capital for W-2 and W-3 service with negotiated revenue increase

| | Percent of total capital | Annual cost (percent) | Weighted annual cost (percent) |
|------------------|--------------------------|-----------------------|--------------------------------|
| Debt | 48.71 | 6.943 | 3.382 |
| Preferred equity | 16.51 | 7.586 | 1.252 |
| Common equity | 34.78 | 12.000 | 4.174 |
| Total | 100.00 | | 8.808 |

[FR Doc. 76-11416 Filed 4-21-76; 8:45 am]

[Docket No. CI73-681]

TEXAS GAS EXPLORATION CORP.
Offer of Settlement

APRIL 19, 1976.

Take notice that on April 6, 1976, Texas Gas Exploration Corporation (Exploration), Post Office Box 52310, Houston, Texas 77052, filed a Proposed Settlement Agreement in Docket No. CI73-681, pursuant to Sections 1.12 and 1.18 of the Commission's Rules of Practice and Procedure. Exploration states that it will refund to Consolidated Gas Supply Corporation all amounts collected pursuant to Section 2.75(o) above the Southern Louisiana area rate ceiling of 26 cents per Mcf during the period from October 11, 1973 (the date Exploration began receiving the 45-cent contract rate) until July 19, 1974 (the date Exploration filed its Section 2.56a certificate application).

The proposed settlement also provides that Exploration shall be granted a Section 2.56a nationwide rate certificate. Exploration will credit the amounts in excess of actual collections to which Exploration would have been entitled under the nationwide rate procedure during the period from July 19, 1974 until the date upon which the certificate issued pursuant to Section 2.56a becomes effective. Thus, Exploration will be subject to the "benefits" and the "burdens" of Opinion No. 699.

Any person desiring to be heard or to protest said proposed settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 30, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11748 Filed 4-21-76; 8:45 am]

FEDERAL RESERVE SYSTEM
BANCAL TRI-STATE CORPORATION
Request for Determination and Notice
Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2 (g) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g) (3)) ("the Act"), by BanCal Tri-State Corporation, San Francisco, California ("Tri-State"), which proposes to transfer all of its legal and equitable stockholdings, as well as the stockholdings of The Bank of California, N.A., San Francisco, Cal-

foria ("Bank"), a subsidiary of Tri-State, in BanCal Capital Corporation ("Capital"), a small business investment company to Overseas Technology, Inc., San Francisco, California ("OTT") a wholly owned subsidiary of Overseas Technology Investments Co. Inc., a Japanese corporation, for a determination that Tri-State is not nor will be capable of controlling OTT, notwithstanding a proposed sale agreement whereby a portion of the purchase price will be paid by OTT in the form of a note, said note being secured by a pledge of the Capital stock being sold.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 14, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, April 15, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.76-11689 Filed 4-21-76; 8:45 am]

FIRST NATIONAL FINANCIAL CORPORATION

Acquisition of Bank

First National Financial Corporation, Kalamazoo, Michigan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Bank of Luding-

ton, Ludington, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 10, 1976.

Board of Governors of the Federal Reserve System, April 14, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.76-11690 Filed 4-21-76; 8:45 am]

OFFERLE INVESTMENT CO., INC.

Order Approving Retention of Liebl Insurance Agency

Offerle Investment Co., Inc., Offerle, Kansas, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain¹ the assets of Liebl Insurance Agency, Offerle, Kansas ("Agency"), a company that engages in the activities of a general insurance agency in a community with a population of less than 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 5351). The time for filing comments and views has expired, and none have been received. The Board has considered the application in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)).

Applicant, the 561st largest banking organization in Kansas, controls one bank with deposits of approximately \$3 million, representing 0.03 per cent of the total deposits in commercial banks in the State.²

Agency engages in the activities of a general insurance agency on the premises of Applicant's sole subsidiary bank, which is located in Offerle, Kansas. Although there are other general insurance agencies within approximately 10 miles of Agency, Agency is the only source of such insurance services in the town of Offerle. It does not appear that the retention of Agency by Applicant would have an adverse effect on either existing or potential competition; nor is there any

¹ Applicant acquired the assets of Liebl Insurance Agency May 13, 1970, the date it acquired control of its only subsidiary bank. Applicant became a bank holding company December 31, 1970 by virtue of the passage of the 1970 Amendments to the Bank Holding Company Act.

² All banking data are as of December 31, 1975, and reflect holding company acquisitions and formations approved by the Board through March 31, 1976.

evidence in the record indicating that consummation of the proposal would lead to any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects upon the public interest. On the other hand, approval of the application should assure residents of the community a convenient source of insurance services that has been associated with Applicant's subsidiary bank since 1964.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of § 4(c)(8) of the Act, that Applicant's retention of Agency can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors, effective April 14, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.76-11691 Filed 4-21-76; 8:45 am]

TOWN FINANCIAL CORPORATION

Order Approving Acquisition of Bank Computer Services, Inc.

Town Financial Corporation, Hartford City, Indiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Bank Computer Services, Inc., Hartford City, Indiana ("BCSI"), a company that provides data processing services for Applicant, its subsidiaries, and other financial institutions, and stores and processes financial, banking, and related economic data. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 5351). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)).

* Voting for this action: Vice-Chairman Gardner and Governors Holland, Wallich, Goldwell, Jackson, and Partee. Absent and not voting: Chairman Burns.

Applicant, a one-bank holding company, controls Citizens State Bank of New Castle, New Castle, Indiana ("Bank"). Bank, with deposits of \$47.6 million,¹ is the 77th largest commercial bank in Indiana and accounts for 0.3 per cent of the deposits in all commercial banks in the State. Bank is the largest of seven banks located in Henry County and holds 40.5 percent of the total deposits of commercial banks in that county. Applicant also has one wholly-owned subsidiary, Town Finance Company, Inc. ("Finance"),² which is engaged in making small consumer loans and financing retail installment sales contracts. Furthermore, Applicant provides consulting and accounting services to its subsidiaries and acts as an insurance agent and broker for customers of its subsidiaries in connection with the extension of credit.³

At present, BCSI is indirectly controlled by Applicant as BCSI is a subsidiary of Bank, which owns approximately 68 per cent of the outstanding shares of BCSI. First National Bank of Hartford City, Hartford City, Indiana, and The Bank of Montpelier, Montpelier, Indiana, each own approximately 16 per cent of the remaining outstanding shares of BCSI. BCSI was organized on June 8, 1970 when its shares were issued to these three banks. BCSI performs many of the routine data processing services for Bank and the two other owner banks; in addition, it performs payroll processing services for some of the customers of the three banks, data processing services for one savings and loan association, and interest payable processing services for Finance. In 1974, BCSI had gross receipts of \$169,908 and a net loss of \$5,170. The instant proposal contemplates the acquisition by Applicant of all outstanding shares of BCSI. In the Board's judgment, BCSI has a reasonably adequate financial condition, satisfactory management, and favorable future earnings prospects. Inasmuch as Applicant has controlled BCSI continuously since its formation, consummation of the proposed acquisition would neither eliminate nor have any significantly adverse effects on either existing or potential competition. Furthermore, since BCSI would, upon consummation of the proposal, be ensured greater access to Applicant's capital, BCSI may be expected to increase and improve the services it offers the public.

The record contains no evidence suggesting that consummation of this

proposal would result in any adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, unsound banking practices or any other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority which is hereby delegated.

By order of the Board of Governors,⁴ effective April 14, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.
[FR Doc.76-11692 Filed 4-21-76; 8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION E-46

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Commerce to operate a Federal Software Exchange Center.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377; 40 U.S.C. 471), particularly section 111 thereof, authority is hereby delegated to the Secretary of Commerce to operate a Federal Software Exchange Center in accordance with the provisions of an interagency agreement between the Automated Data and Telecommunications Service, General Services Administration, and the National Technical Information Service, Department of Commerce.

b. The Secretary of Commerce may redelegate this authority to the Director, National Technical Information Service.

c. This authority shall be exercised in accordance with the policies, procedures,

⁴Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns.

and controls prescribed by the General Services Administration and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 9, 1976.

JACK ECKERD,
Administrator of General Services.
[FR Doc.76-11598 Filed 4-21-76; 8:45 am]

National Archives and Records Service FOURTH ANNUAL REPORT OF THE PRESIDENT; FEDERAL ADVISORY COMMITTEES

Covering Calendar Year 1975; Availability of Publication

The above report is available to Federal Government sources by contacting the Office of Management and Budget, Committee Management Secretariat, Washington, D.C. 20503 (Telephone 202-395-5193).

Purchase of the report by the general public is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is \$2.90 and the Stock Number is 040-000-00345-2.

The Compilation of Agency Submissions for the Fourth Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1975 will be available on microfilm for viewing and/or purchase through the National Archives and Records Service at a later date which will be announced in the FEDERAL REGISTER.

Dated: April 14, 1976.

JAMES B. RHODES,
Archivist of the United States.
[FR Doc.76-11693 Filed 4-21-76; 8:45 am]

Public Buildings Service

[GSA Order PBS 1095]

DISPOSITION OF EXCESS OR SURPLUS FEDERAL REAL PROPERTY

Procedures for Consideration of Effects on the Environment and/or Historic Character of the Property

Notice is hereby given that the General Services Administration in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-190) is proposing procedures to be followed in implementing ADM 1095.1, Environmental consideration in decisionmaking, that are applicable to the Public Buildings Service for the Office of Real Property and the Regional Real Property Division personnel to assess the impact on the physical and cultural environment of the disposition of excess or surplus real property and related personal property.

Any person who wishes to submit written comments pertaining to the proposed procedures may do so by filing them in triplicate with the General Services Administration (PK), Washington, D.C. 20405, on or before June 7, 1976.

Dated: March 30, 1976.

NICHOLAS A. PANUZIO,
Commissioner,
Public Buildings Service.

¹All banking data are as of June 30, 1975.

²Finance was a subsidiary of Applicant when Applicant became a bank holding company on December 31, 1970 by virtue of the enactment of the 1970 Amendments to the Act. Section 4(a) (2) of the Act authorizes Applicant to retain its ownership interest in Finance only through December 31, 1980, unless Applicant applies for and receives specific Board approval to retain Finance.

³Applicant, which also provided these insurance services at the time it became a bank holding company, is similarly entitled to continue them only through December 31, 1980, unless Board approval to retain these activities is specifically applied for and granted.

[PBS 1095]

GSA ORDER

Subject: Procedures for consideration of effects of disposition of excess or surplus Federal real property on the environment and/or historic character of the property.

1. *Purpose.* This order implements GSA Order ADM 1095.1 by prescribing procedures for the Office of Real Property and the Regional Real Property Division personnel to assess the impact on the physical and cultural environment of the disposition of excess or surplus real property and related personal property.

2. *Cancellation.* PMD 1095.1A is canceled.

3. *Background.* a. This order is in compliance with the following:

(1) Title I of the National Environmental Policy Act of 1969 (NEPA), (42 U.S.C. 4332 (2)(C));

(2) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970;

(3) Section 309 of the Clean Air Act (42 U.S.C. 1857h-7);

(4) Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973;

(5) Council on Environmental Quality's regulations for preparation of environmental impact statements (EIS) (Appendix A of attachment);

(6) Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f);

(7) Section 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971.

(8) Advisory Council on Historic Preservation's procedures for the protection of historic and cultural properties (36 C.F.R. Part 800);

(9) Act of August 21, 1935 (16 U.S.C. 461);

Note: Appendix A of this document was issued by the Council on Environmental Quality and was published on August 1, 1973, at 38 FR 20550-20562. A copy of this publication is filed as part of the original document.

(10) Freedom of Information Act (5 U.S.C. 552);

(11) GSA Order ADM 1095.1, Environmental considerations in decisionmaking; and

(12) GSA Order 1022.1, Protection of historic properties.

b. Section 102 of NEPA directs all Federal agencies to: (1) Use a systematic interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment; (2) identify and develop methods and procedures to ensure that unquantified environmental values be given appropriate consideration in decisionmaking along with economic and technical considerations; and (3) prepare a detailed statement for each major Federal action significantly affecting the quality of the human environment assessing the effects of the proposed action on the environment. Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970, further emphasizes the commitment of the Federal Government to protect and enhance the quality of the Nation's environment and directs actions to be taken by Federal agencies to comply with NEPA. The Council on Environmental Quality (CEQ) has issued regulations for the preparation of environmental impact statements (Guidelines) which establish the mechanism for Federal agencies to follow in implementing Title I of NEPA and Executive Order 11514.

c. Section 309 of the Clean Air Act provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of proposed major Federal actions to which section 102(2)(C) of NEPA apply that relate to public health or welfare or environmental quality matters under his jurisdiction. EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

d. Section 106 of the National Historic Preservation Act requires that Federal, federally assisted, and federally licensed undertakings affecting properties included in the National Register of Historic Places be submitted to the Advisory Council on Historic Preservation for review and comment prior to the approval of any such undertaking by a Federal agency. Historic properties which are either (1) eligible for nomination to the National Register of Historic Places, or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Therefore, properties in these categories will be processed in the same manner as though they were listed in the National Register. The procedures of the Advisory Council on Historic Preservation for the protection of historic and cultural properties implement the law and Executive Order and prescribe the steps to be taken to ensure that the historic character of the property is preserved when the property qualifies for protection.

e. Pursuant to the Act of August 21, 1935, the National Park Service, Department of the Interior, administers and implements a natural areas program, including the National Registry of Natural Landmarks. Real Property Divisions will check the National Registry to determine whether properties proposed for disposal include any natural landmarks that are listed in the National Registry so that consideration may be given to their protection and preservation wherever possible. When property of unusual geological or ecological character is not listed on the National Registry but there is reason to believe that the property may warrant listing, the Regional Real Property Division will call the Division of Natural Landmarks and Theme Studies, National Park Service Science Center, National Space Technology Laboratories, Bay St. Louis, Mississippi 39520 (Phone: (601) 638-2344) concerning the status of the property. This is a voluntary program. However, in the interest of protecting the heritage and environment for future generations, GSA will cooperate fully. When property of this type is identified, it will be called to the attention of parties interested in acquiring the property because of these characteristics or for other reasons so consideration may be given to protecting and preserving the character of the property.

4. *Procedures.* Procedures for implementing par. 1 are in the attachment to this order.

5. *Nature of revision.* This order is revised to reflect the new requirements prescribed by the CEQ Guidelines and to implement section 106 of the National Historic Preservation Act of 1966, sections 1(3) and 2(b) of Executive Order 11593, and procedures of the Advisory Council on Historic Preservation for the Protection of Historic and Cultural Properties.

6. *Effect on existing procedures.* To ensure that full consideration is given to all environmental factors in the disposition of excess and surplus real property, the procedures in the attachment shall be followed in addition to the regular procedures prescribed in the Federal Property Management Regulations, the HB, Excess and Surplus Real Property (PMD P 4000.1), and appropriate GSA Orders and all region letters.

7. *Reports.* The report required by this order is exempt from the reports control program.

8. *Forms.* This order provides for the use of Standard Form 118, Report of Excess Real Property. Supplies of Standard Form 118 may be obtained by submitting a requisition of FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

NICHOLAS A. PAWUZIO,
Commissioner,
Public Buildings Service.

ATTACHMENT

1. *Assessment.* The Regional Real Property Division shall: a. Establish whether excess property has historical, architectural, archeological, or cultural significance or is a natural landmark by:

(1) Examining each incoming Standard Form 118, Report of Excess Real Property, for statements of whether the property (1) is in the National Register of Historic Places (National Register) or the National Registry of Natural Landmarks (National Registry), (2) has been nominated for listing, or may be eligible for listing, or (3) has cultural value;

(2) Checking the National Register and the National Registry to ascertain whether all or part of the property is listed;

(3) Contacting the holding agency if the SF 118 does not contain a statement concerning the factors to ascertain whether property might have historic value or contain a natural landmark and whether action has been taken to assess such values; and

(4) Contacting the State Historic Preservation Officer when the status of the property is unclear to obtain an opinion regarding the historic value of the property or presence of natural landmarks on the property and its eligibility for listing in the National Register or National Registry.

b. Give special attention to the amenities, solutions, or alternatives to alleviate the impact, and effect on the setting or character of historic property when the property is inspected.

c. Assess existing conditions of the property during inspections of the property, or, if the property is not inspected, no later than 90 calendar days from the date of acceptance of SF 118, to determine: (1) whether disposition of the property is likely to be a major Federal action, and (2) whether potential environmental problems would significantly affect the human environment.

d. Annotate the property case file to show the results of the assessment.

2. *Determination of what is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action and the determination shall be part of the decisionmaking process.

a. Types of actions that have the potential of being "major Federal actions" requiring an assessment of their effect on the environment are:

(1) Recommendations or reports concerning legislation proposed by GSA or members of Congress involving:

(a) Directed disposals of specific real properties; and

(b) Changes in laws governing the disposition of excess or surplus real property.

(2) Administrative actions involving:

(a) Use of Government-owned property through lease, permit, or license; and

(b) Disposal of excess or surplus real property.

(3) Formulation and issuance of regulations and procedures.

b. Actions significantly affecting the human environment are those that:

(1) Degrade the environment even if beneficial effects outweigh the detrimental ones;
 (2) Curtail range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;

(3) Serve short-term rather than long-term environmental goals;

(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and

(5) Are attributable to many small actions, possibly taken over a period of time, that collectively have an adverse impact on the environment.

c. Actions that have potential for significantly affecting the environment are those that:

(1) Restore or enhance environmental quality;

(2) Disrupt, alter or destroy a site of architectural, historic, or archeological importance, or its immediate surroundings;

(3) Have a substantial impact on natural, recreational, or scenic resources, including wilderness area or natural area significant for scientific and educational purposes;

(4) Cause a significant degree of change in one or more ecological systems;

(5) Affect a rare or endangered species of animal or plant, or the habitat of such a species;

(6) Cause substantial interference with the movement or life cycle of any resident or migratory fish or wildlife species;

(7) Have a substantial aesthetic or visual effect;

(8) Have a significant effect upon ambient air quality, ambient noise levels, or surface or ground water quality or water supply;

(9) Involve extensive use of pesticides or toxic substances;

(10) Have significant radiation effects;

(11) Affect in significant degree the production, collection, recycling, or disposal of solid waste;

(12) Alter significantly the physical features or the land use patterns of the area;

(13) Induce substantial growth or concentration of population;

(14) Displace substantial numbers of people, or alter substantially the existing neighborhood and community character;

(15) Are inconsistent with national, State or local standards relating to the environment, or with environmental plans and goals that have been adopted by the community where the project is to be located;

(16) Cause or induce consumption of substantial additional energy.

3. *Responsibility for Environmental Impact Statements (EIS's).* a. Types of actions that require individual assessment to determine whether it is a major Federal action that significantly affects the environment are:

(1) Negotiated sales of surplus real property to public bodies or commercial concerns;

(2) Public sales of surplus real property;

(3) Removal of fixtures, murals, fixed sculptures, and other items of excess real property which have historic or artistic value and may be disposed of separately;

(4) Parceling of large tracts of land (concurrent planned multiple disposals).

(5) Transfer of excess property to other Federal agencies for further Federal uses (multiple disposals).

b. Types of actions that normally are not major Federal actions with a significant effect on the human environment and therefore generally will not require an EIS are the following:

(1) Disposals of demountable structures, electrical and telephone poles and wires, railroad ties and tracks, line of sight easements at abandoned NIKE sites, airport navigation easement, and releases of utility easements to underlying fee owners;

(2) Sales of buildings or structures to the underlying fee owner;

(3) Outleases and permits of real property for less than 1 year for similar use.

NOTE: Negative declaration substantiated by formal environmental assessments will not be required in those instances where in the determination of the Real Property Division the action is absent significant environmental impact.

c. Types of actions for which a Federal agency making the request will normally be considered the "lead agency" and be responsible for compliance with NEPA, including preparation of a statement if required, are:

(1) Transfer of excess real property for further Federal use where no other competing Federal uses have been identified (single disposal).

(2) Conveyance or other disposal of surplus real property to a public body or to a private or non-profit organization for a public purpose program sponsored by the Federal agency;

(3) Agency sponsored public purpose programs for which GSA is conveying surplus real property to a public body.

d. In disposal actions where more than one agency is a potential recipient and where GSA and other agencies (1) directly sponsor the actions, or are directly involved in actions through funding, license, permit, or conveyance, or (2) are involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity, a "lead agency" shall be designated to assume supervisory responsibility for preparation of the statement. Factors relevant in determining the appropriate "lead agency" include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the actions. Where there is a question regarding the primary responsibility for statement preparation, the matter will be referred to the Commissioner, PBS, for referral to the Council on Environmental Quality (CEQ) for resolution. However, it is possible for a statement to be submitted jointly by all agencies concerned with the comments being returned to a single designated agency official. If GSA is the "lead agency" and one or more agencies have partial responsibility for the action, the other agencies shall be requested to provide to the appropriate Regional Real Property Division such information as may be necessary to prepare a suitable and complete EIS. If another agency is designated to be the "lead agency," the criteria for that agency shall apply.

4. *Reassessment.* a. Reassessment of potential environmental problems and/or potential environmentally controversial disposal actions shall be made at the following stages:

(1) After public bodies have been notified of the availability of the property for public purpose programs or for negotiated sales and the period accorded for their response has expired; and

(2) After a draft EIS has been circulated and Federal agencies, public bodies, the public, and special interest groups have been given an opportunity to comment on the proposed action.

b. The Regional Real Property Division shall exercise discretion and judgment in deciding when there is sufficient information available to determine that a disposal does or does not require the preparation of an EIS. There is no set time when this decision may be made as each property and the circumstances surrounding its disposal are different and must be considered on an individual basis. However, it is important that

this decision be made as soon as possible so that interested persons may have a meaningful opportunity to consider and comment on the undertaking and so that GSA may study comments before making a decision or commitment regarding the disposition of the property.

5. *Negative declaration.* a. Should the Regional Real Property Division find in assessing a proposed disposition of Federal real and related personal property that an EIS is not required, it shall:

(1) Document in the regional property case file the basis and details for the finding;

(2) Except as provided in subpars. 3b and c, prepare a negative declaration that sets forth sufficient factual data to justify the declaration. Indicate how the conclusion was reached and state that the proposed action was assessed and determined not to be a major Federal action that will have a significant effect on the environment.

(3) Request that the regional Commissioner, PBS, or higher authority sign the declaration and concurrently forward copies to the Assistant Commissioner for Real Property, PBS, and the Director of Environmental Affairs.

b. The Assistant Commissioner for Real Property and the Director of Environmental Affairs shall review the declaration within 10 working days after receipt of the copy thereof and may return it to the appropriate regional office for additional information or revision when the declaration is determined to be insufficient. However, if not so directed by the Assistant Commissioner or the Director within 10 working days after the receipt of the declaration, the Regional Real Property Division shall assume that the declaration is adequate. A 10-working day review period shall similarly apply after receipt by the central office of any requested additional information or revised declaration.

6. *Draft EIS's.* a. The Regional Real Property Division shall prepare draft EIS's for the proposed disposals of real property described in subpar. 3a, and when appropriate, subpar. 3d, when its environmental assessment indicates that the action is environmentally controversial or is a major Federal action that will have a significant impact on the human environment.

b. Properties that are included or may be eligible for inclusion in the National Register of Historic Places, or that may affect the ambience or setting of an adjacent property in the National Register shall be covered in detail. In this way the EIS will aid in the compliance with section 106 of the National Historic Preservation Act of 1966, section 800.2 of the Advisory Council on Historic Preservation's procedures for the protection of historic, architectural, archeological, or cultural resources and section 1500.9(a) of the Guidelines.

c. Properties that are listed or have potential for listing on the National Registry of Natural Landmarks shall be identified. A statement will be made regarding the effect the proposed disposal will have on the natural landmark and the alternatives to alleviate any adverse effect.

d. The technical content of the draft EIS shall include the following items:

(1) A summary to accompany draft and final EIS's as specified in Appendix 1 of the CEQ Guidelines. (For format see figure 1.)

(2) A description of the proposed action including sufficient information and technical data to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales showing the property and the surrounding area shall be provided.

(3) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and other marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area, including land use, water supply, public services, and traffic patterns.

(4) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of NEPA. This section should be a brief summary of the adverse and unavoidable effects discussed in subpar. 3, above, with a discussion of how the adverse effects will be mitigated.

(5) A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects. Sufficient analysis of such alternatives and their impact on the environment, and, where appropriate, their costs, shall accompany the proposed action(s) through the agency review process so that consideration of options which might have less detrimental effects will not be prematurely foreclosed. This procedure will meet the requirement of section 102(2)(D) of NEPA that the responsible agency "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

(6) Assessments of the action(s) for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Discuss the relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which the action(s) curtails the range of the beneficial uses of the environment.

7. Circulation of draft EIS's for comment.

a. The Regional Commissioner, PBS, or higher authority, shall concurrently forward EIS's to the Assistant Commissioner for Real Property and the Director of Environmental Affairs who shall review the EIS within 10 working days after receipt of the copy thereof and may return it to the appropriate regional office for additional information or revision when the EIS is determined to be insufficient. However, if not so directed by the Assistant Commissioner or the Director within 10 working days after receipt of the EIS, the Regional Real Property Division shall assume the EIS is adequate. A 10-working day review period shall similarly apply after receipt by the central office of any requested information or revised EIS.

b. After the expiration of the 10-day review period the Regional Commissioner, PBS, or higher authority shall then immediately distribute copies of the draft EIS to appropriate Congressmen, Senators, and Governors of the State, and local agencies, special interest groups, and the public for comment. In addition, comments shall be solicited from appropriate State and/or areawide clearing-houses in accordance with the procedures prescribed by Office of Management and Budget Circular No. A-95, Revised, or to the environment reviewing authority designated by the Governor of the State in which the property is located.

c. Interested parties will have 45 calendar days from the date CEQ publishes the notice of the availability of the draft EIS in the Federal Register to comment. All parties circularized for comments shall be informed that if a reply is not received, or a request for an extension with valid basis for the request is not received, within 45 calendar days, it will be presumed that they have no comment to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted when it is feasible and the request appears reasonable. Transmittal letters sent to commenting parties shall indicate that the draft EIS is based on the best information currently available.

d. Federal agencies that have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards" shall be asked to comment on draft EIS's. These agencies are listed in appendix II of the Guidelines according to their subject matter specialties. Appendix III of the Guidelines lists offices within Federal agencies and Federal-State agencies that have information regarding the agencies' NEPA activities and receive draft EIS's of other agencies for comment. Draft EIS's shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 1500.9(a) of the Guidelines.

e. The Regional Real Property Division shall forward to the appropriate regional office of the Environmental Protection Agency (EPA) for review and comment seven copies of all EIS's so that EPA can carry out its responsibilities under section 309 of the Clean Air Act, as amended.

8. Public hearings. a. Each major Federal action having a possible adverse effect on the environment shall be evaluated to determine whether a public hearing should be held. Consideration shall be given to the following elements in deciding whether a public hearing is appropriate:

(1) The magnitude of the proposal in terms of economic costs, geographic area involved, and uniqueness or size of the commitment of the resources involved;

(2) The degree of interest in the proposal as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public meetings, meetings with citizen representatives, and/or written comments on the proposed action.

b. Draft EIS's shall be made available to the public at least 15 calendar days before the time of such hearings.

9. Early public notice. a. To provide timely public notice and understanding of the proposed disposition of excess or surplus real property and to obtain the views of interested parties, the Regional Real Property Division shall establish an early notice system for informing the public of the decision to prepare a draft EIS on the proposed action. The Regional Real Property Division shall maintain a list of disposal actions, arranged by States, on which it is anticipated EIS's will be prepared for public inspection. Changes in this list shall be reported to the Assistant Commissioner for Real Property on last working day before March 1, June 1, September 1, and December 1 of each year so that the lists may be forwarded to the Director of Environmental

Affairs, who, in turn, will submit the composite agency list to CEQ by March 15, June 15, September 15, and December 15 for publication in the FEDERAL REGISTER.

b. If it is decided that an EIS is not necessary for a proposed disposition (1) which normally requires the preparation of an EIS, (2) which is similar to actions for which a significant number of EIS's have been prepared, or (3) for which it has previously been announced that an EIS would be prepared, the Regional Real Property Division shall prepare a publicly available record briefly setting forth the decision and the reasons for the decision. These decisions shall be cleared in the same manner as negative declarations.

c. A list of negative declarations prepared shall be maintained and reported in the same manner as prescribed for EIS's (See a, above).

d. Notice of availability of a draft EIS will be published in one or more local newspapers.

e. The Regional Real Property Division shall maintain a list of groups known to be interested in the disposition of real property. In addition, a list shall be maintained of individuals who have requested an opportunity to comment on the action. A copy of the draft EIS shall be distributed to the individuals or groups who have expressed an interest in the specific disposal covered by the EIS.

10. Public availability of EIS's. a. Draft and final EIS's, amendments and supplements, including comments received during review, shall be made available to the public in accordance with subpars. 7b and 12b of this order, section 2(b) of Executive Order 11614, "Protection and Enhancement of Environmental Quality," and § 1500.9-1500.11 of the Guidelines. Enough copies of draft and final EIS's shall be printed to meet the anticipated demand of agencies, organizations, and individuals.

b. Charges to cover reproduction costs shall be assessed as follows:

(1) Where cost of reproduction is insignificant, single copies of draft and final EIS's shall be furnished without charge to individuals requesting them. For multiple copy requests, the requester shall be charged reproduction costs.

(2) Where cost of reproduction is substantial, the Regional Real Property Division shall make a reasonable number of EIS's available to the public at no charge. The number should vary according to the public interest in the action. When this free supply is exhausted, individuals requesting copies shall be informed of the GSA purchase price and advised of the nearest GSA Business Service Center or Federal Information Center at which a copy is available for public inspection. They should also be advised of the availability (at cost) of the EIS from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, DC 20036.

11. Preparation of final EIS's. An appendix shall be included in final EIS's which contains substantive comments that have been received on the draft EIS, a discussion of the merits of those comments, and the GSA position thereon. Substantive comments must also be addressed in the text through revisions and additions, or by direct reference. All substantive comments received on the draft EIS (or summaries thereof when comments have been exceptionally voluminous) shall be attached to the final EIS whether or not the comment is considered to merit individual discussion in the text of the statement.

12. Review and distribution of final EIS's. a. The Regional Commissioner, PBS, or higher authority shall concurrently forward copies of the final EIS as soon as practicable

to the Assistant Commissioner for Real Property and the Director of Environmental Affairs for review. Copies of all comments received shall be included as a part of the final EIS. The Assistant Commissioner and Director shall review the EIS within 10 working days after the receipt of the copy thereof and may return it to the appropriate regional office for additional information or revision when the EIS is determined to be insufficient. However, if not so directed by the Assistant Commissioner or the Director within 10 working days after receipt of the EIS, the Regional Real Property Division shall assume the EIS is adequate. A 10-working day review period shall similarly apply after receipt by the central office of any requested information or revised EIS.

b. After the expiration of the 10-day review period, copies of final EIS's with comments attached, shall be sent to (1) appropriate Congressmen, Senators, and the Governor of the State in which the property is located, (2) all Federal, State, and local agencies and private organizations that made substantive comments on the draft EIS, (3) individuals who requested a copy of the final EIS, (4) applicants whose project is the subject of the statement, and (5) Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act.

c. Where the number of comments on a draft EIS is such that distribution of the final EIS to all commenting entities appears impracticable, the Assistant Commissioner for Real Property shall request the Director of Environmental Affairs to consult CEQ concerning alternative arrangements for distribution of the final EIS.

13. *Time frame for publication of draft and final EIS's.* a. To the maximum extent practicable, no disposal action is to be taken sooner than 90 calendar days after CEQ publishes a notice of the availability of the draft EIS in the *FEDERAL REGISTER*. Neither should such disposal action be taken sooner than 30 days after the final EIS has been made available to CEQ and the public. If the final EIS is filed within 90 calendar days after a draft EIS has been furnished to CEQ and made public, the minimum 30-day period and the 90-day period may run concurrently to the extent that they overlap. When it is necessary to supplement or revise a draft or final EIS, particularly when substantial changes are made in the proposed action or significant new information becomes available concerning its environmental aspects, the Regional Real Property Division shall notify the Assistant Commissioner for Real Property who shall request the Director of Environmental Affairs to consult with CEQ concerning the need or desirability of recirculation of the EIS for the appropriate period.

b. CEQ will publish weekly in the *FEDERAL REGISTER* lists of draft and final EIS's received during the preceding week. The date of publication of the draft EIS shall be the date from which the 45 calendar day review period of draft EIS's shall be calculated. The date CEQ receives the final EIS for publication shall be the date from which the 30 calendar day period shall be calculated.

c. Draft and final EIS's, comments received, and any underlying documents, except appraisals, shall be made available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552). EIS's and comments thereon may be viewed by the public in the Business Service Center in the GSA regional offices, the office of the Business Service Centers Staff, Office of the Deputy Administrator in the central office of GSA, or the appropriate State or areawide

clearinghouse(s) unless the Governor of the State involved designates to CEQ some other point for receipt of this information. Notice of such designation of an alternate point for receipt of this information will be included in the OMB Clearinghouse Directory.

d. When emergency circumstances make it necessary to take an action which is environmentally highly controversial or a major Federal action which may have a significant impact on the human environment without observing the provisions of the Guidelines and this order concerning minimum periods for review and advance availability of EIS's, the Regional Real Property Division shall advise the Assistant Commissioner for Real Property concerning the situation and he shall request the Director of Environmental Affairs to consult with CEQ about alternative arrangements. Similarly where there are overriding considerations of expense to the Government or impaired program effectiveness, the Regional Real Property Division shall bring the matter to the attention of the Assistant Commissioner so that he may request the Director of Environmental Affairs to consult CEQ concerning appropriate modifications of the minimum periods when he considers such action appropriate.

e. Should CEQ request the Office of Real Property to prepare and circulate an EIS on a specific proposed real property disposal, the procedure for preparing and processing EIS's shall be followed. However, if the Assistant Commissioner for Real Property determines from an environmental assessment that an EIS is not required, he shall have the appropriate Regional Real Property Division prepare a publicly available record briefly setting forth the reasons for his determination. The Assistant Commissioner shall secure the concurrence of the Director of Environmental Affairs and the Commissioner, PBS, to the determination. The Assistant Commissioner shall notify CEQ through appropriate GSA channels of the decision and reasons therefor and shall attach a copy of the assessment.

14. *Supplements or revisions of EIS's.* Regional Real Property Divisions shall keep abreast of any substantial changes in plans for the disposal of property or significant new information that becomes available concerning the environmental aspects of the disposal. These circumstances shall be evaluated to determine whether the draft or final EIS should be supplemented or revised. Revised EIS's or supplements to EIS's shall be issued as appropriate and processed in the same manner as the EIS which is being revised or supplemented. When there is doubt as to the need or desirability of recirculation of the EIS for the appropriate period, the Regional Real Property Division shall request advice from the Assistant Commissioner for Real Property. If the Assistant Commissioner is in doubt, he shall proceed as provided in subpar. 12a, to obtain an opinion from CEQ.

15. *Format requirements.* The Regional Real Property Division shall: a. Type draft and final EIS's on white paper with clear black type;

b. Assign the environmental statement number which will be the GSA property control number followed by the symbol EIS-D (draft) or EIS-F (final) and number assigned in numerical sequence to EIS's;

c. Prepare a summary sheet in accordance with the suggested format prescribed in appendix I of the Guidelines and place it behind the EIS cover sheet prescribed in e. below;

d. Prepare an index and attach behind the summary; and

e. Prepare a cover sheet for each EIS.

FBS 1095.

SUMMARY

Draft (Final) Environmental Impact Statement

Submitted by General Services Administration
Public Buildings Service
Region

1. This is an administrative action pursuant to the Federal Property and Administrative Services Act of 1949, as amended.
 2. Brief description of action and its purpose. Indicate what States, counties, and localities are particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.
 3. Summary of environmental impacts and adverse environmental effects.
 4. Summary of major alternatives considered.
 5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.
 6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council and the public.
- Inquiries about this statement may be directed to (Name and address of the Director, Real Property Division.)

Figure 1. Format for Summary to Accompany Draft and Final Environmental Impact Statement

[FR Doc.76-11695 Filed 4-21-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-33)]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Reduction in Waiting Period Following Release

The National Aeronautics and Space Administration will soon release the final environmental impact statement, "Overland Transport of the NASA Space Shuttle Orbiter." NASA has requested that the Council on Environmental Quality (CEQ) grant a reduction in the waiting period following release of the final statement from 30 to 7 days, and the CEQ has granted this reduction. This announcement constitutes public notice of that reduction.

A draft environmental impact statement for this proposed action was prepared and forwarded to the CEQ on

February 2, 1976, and its availability announced in the FEDERAL REGISTER on February 6, 1976 (41 FR 5456). Subsequent to the publication of that draft, NASA continued its analysis and exploration of alternatives and identified another overland route, not previously considered. This new route, called the western route, offers the significant advantage of traversing a right-of-way already wholly owned either by the Federal Government or the County of Los Angeles. The right-of-way along the western route is sufficiently wide so that no land acquisition or easements from private parties would be required.

Because all other factors—technical, cost, and physical environmental effects—for the western route are comparable to those of the old (eastern) route, for which numerous easements to private property would have been required, it is now proposed to use the western route. The final environmental impact state-

ment is being prepared identifying that route for the proposed action and the analysis described therein is based on that route. The eastern route is included in this final statement as an alternative.

The request to reduce the waiting period from 30 to 7 days was made to enable NASA to meet program requirements. This request is warranted on the grounds that the action will not induce significant environmental effects, the commenters did not pose environmental questions of significance, and private property would not be affected by the action using the western route. The CEQ has granted this request, subject to early notification of the general public. This announcement serves as that notification.

Done at Washington, D.C., this 16th day of April 1976.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator,
National Aeronautics and
Space Administration.

[FR Doc.76-11675 Filed 4-21-76;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

NOTICE OF MEETINGS

The meetings of the National Commission on Electronic Fund Transfers scheduled for Friday, May 14, and Friday, June 11, will not be held. The Commission will instead meet on Thursday, May 27, 1976. The meeting, which will be open to public observation, will be from 10:00 a.m. to 5:00 p.m., with a break for lunch, and will be held at the Federal Reserve Martin Annex Building located on "C" Street, N.W., between 20th and 21st Streets, in Dining Room "E" on the Terrace Level.

The Commission has established four committees, which will be meeting separately, to examine the implications of EFTS for four groups. These committees, and the dates on which they will meet, are set out below:

1. Committee on EFTS Users—any consumer, industry, or government agency which makes use of EFT services. Meeting on Friday, April 23.

2. Committee on EFTS Providers—any financial institution or non-financial institution that does now or potentially could offer EFT services. Meeting on Friday, April 30.

3. Committee on EFTS Regulators—any international, Federal, or state body that regulates any aspect of the electronic payments mechanism. Meeting on Friday, May 7.

4. Committee on EFTS Suppliers—any organization that supplies services or equipment to the EFTS producers. Meeting on Friday, May 14.

The four scheduled committee meetings will be held at the Postal Service Building at 475 L'Enfant Plaza Southwest, Washington, D.C., beginning at 10:00 a.m. The meeting on April 23rd will be in Room 10374, and the meetings

on April 30, May 7, and May 14 will be in the Ben Franklin Meeting Room on the 11th Floor. These meetings will be open to public observation on a first-come basis to the extent that limited space permits. Any person interested in observing any of the four committee meetings should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: April 19, 1976.

JAMES O. HOWARD, Jr.,
Advisory Committee
Management Officer.

[FR Doc. 76-11760 Filed 4-21-76; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50-293]

BOSTON EDISON CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of Unit 1 of the Pilgrim Nuclear Power Station (the facility) operated under Facility Operating License No. DPR-35 issued to the Boston Edison Company (the licensee). The facility is a boiling-water reactor located near Plymouth, Massachusetts, and is currently authorized to operate at 1998 megawatts (thermal).

The proposed modification being considered involves replacement of the existing racks in the spent fuel storage pool of the facility with racks of a design capable of accommodating up to 2500 fuel assemblies in accordance with the licensee's request dated December 17, 1975, as supplemental by letter dated January 22, 1976. The existing racks have a capacity for storage of 900 fuel assemblies.

If it is later determined that the modification requires changes to the facility Technical Specifications, a license amendment would be issued along with approval of the modification.

Prior to approval of the proposed modification and any license amendment, if necessary, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 24, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facility spent fuel storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be

affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Dale G. Stodley, Counsel, Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has the right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's proposal dated December 17, 1975, and the supplement thereto dated January 22, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. The Commission's approval and Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of April 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2 Division of
Operating Reactors.

[FR Doc. 76-11522 Filed 4-21-76; 8:45 a.m.]

[Docket No. 50-261]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate requirements for additional incore monitoring and control under certain conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 14, 1976, (2) Amendment No. 20 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April, 1976.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4 Division of
Operating Reactors.

[FR Doc. 76-11516 Filed 4-21-76; 8:45 am]

[Docket No. 50-3]

**CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.****Issuance of Amendment to Provisional
Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-5 issued to Consolidated Edison Company of New York, Inc. which revised Technical Specifications for operation of Indian Point Nuclear Generating Unit No. 1, located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

This amendment revises the provisions of the Technical Specifications to postpone certain surveillance test requirements when there is no fuel in the reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated April 6, 1976, (2) Amendment No. 12 to License No. DPR-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April, 1976.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc. 76-11517 Filed 4-21-76; 8:45 am]

[Docket Nos. STN 50-488, et al.]

Evidentiary Hearing

A hearing will commence at 10 a.m. April 26, 1976, in the Auditorium, Brock

Building, North Main Street, Mocksville, North Carolina, to receive evidence relating to the application of Duke Power Company for permits to construct three nuclear reactors in Davie County, North Carolina. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

Dated at Bethesda, Maryland, this 15th day of April 1976.

For the Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc. 76-11518 Filed 4-21-76; 8:45 am]

[Docket Nos. 50-516, 50-517]

LONG ISLAND LIGHTING CO.**Order Scheduling a Prehearing Conference**

Before the Atomic Safety and Licensing Board.

Pursuant to the Nuclear Regulatory Commission Rule, 10 CFR § 2.752, a prehearing conference will be held at 9:30 a.m. (local time) on April 29, 1976, at the Holiday Inn of Riverhead, Exit 72, Long Island Expressway, Riverhead, Long Island, New York. The conference will be reconvened at 9:30 a.m. on April 30, 1976, if necessary.

At this conference consideration will be given to the matters enumerated in said Rule as well as to the submissions advertised to in this Board's Order issued on April 1, 1976. (In addition to the copies to be filed with the Commission, single copies of the submissions due to be filed under paragraph I.c. of the Order issued on April 1, 1976, should be mailed directly to the individual Board members on or before April 22, 1976).

The public is invited. No limited appearance statements will be taken at this prehearing conference but will be called for later at the evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 16th day of April, 1976.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc. 76-11519 Filed 4-21-76; 8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.**Issuance of Amendment to Provisional
Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Provisional Operating License No.

DPR-22, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota.

This amendment added a new automatic isolation valve and modified the usage of existing automatic isolation valves. These valves will be utilized as part of the nitrogen recirculation system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 11, 1976, (2) Amendment No. 18 to License No. DPR-22, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1976.

For the Nuclear Regulatory Commission,

RICHARD D. SILVER,
Acting Chief, Operating Reactors
Branch No. 2, Division
of Operating Reactors.

[FR Doc. 76-11520 Filed 4-21-76; 8:45 am]

[Docket Nos. STN 50-522, STN 50-523]

**PUGET SOUND POWER AND LIGHT
CO., ET AL.****Order Convening Hearings on June 2, 1976
and July 7, 1976**

In the matter of Puget Sound Power and Light Co., Portland General Electric Co., Pacific Power and Light Co., and the Washington Water Power Co.

Evidentiary hearings in this proceeding were recessed on August 8, 1975 subject to an order to reconvene the hearings after the preparation of additional data by both Puget Sound Power and

Light Company, et al. (Applicants) and the Regulatory Staff of the Commission. Since the time of that recess, the Atomic Safety and Licensing Board has received interim reports from the parties respecting the preparation of data and readiness to proceed to further hearings. The Board has been advised that in addition to a prehearing conference on May 12, 1976, the parties are ready to proceed at two evidentiary sessions, separated necessarily by a recess due to previous commitments by attorneys in other cases. The parties have stipulated for readiness on a session June 2 through June 4, 1976, and a second session July 7 through July 16, 1976.

The Board suggests to the parties that Saturday, June 5th, and Saturday, July 17th, also be included.

The Board finds that developments and progress by the parties in preparation of data provide good cause for designating firm dates for two further evidentiary hearings, the first to convene on June 2, 1976, and the second to convene on July 7, 1976.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission that two sessions of evidentiary hearings shall convene in this proceeding as follows:

1. The first of the resumed sessions of evidentiary hearings shall convene at 9:00 a.m. on Wednesday, June 2, 1976, in Courtroom 2866.

2. The second of the resumed sessions of evidentiary hearings shall convene at 9:00 a.m. on Wednesday, July 7, 1976 in Courtroom 3086.

Both sessions of the resumed evidentiary hearings shall convene on the afore said times, dates and courtrooms in the New Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Issued: April 16, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-11521 Filed 4-21-76;8:45 am]

[Docket Nos. STN 50-522, STN 50-523]

PUGET SOUND POWER AND LIGHT CO., ET AL.

Order Convening Special Prehearing Conference

In the matter of Puget Sound Power and Light Co., Portland General Electric Co., Pacific Power and Light Co., and The Washington Water Power Co.

The Atomic Safety and Licensing Board has heretofore issued an additional Notice of Hearing in this proceeding related to the application by Portland General Electric Company to become a party to this proceeding, and to be substituted as part facility owner in lieu of Washington Public Power Supply System. The Notice also provided for persons not presently parties to participate

in the proceeding in accordance with the Rules of Practice of the Commission. The Rules permit participation either by way of formal intervention or by way of presentation of statements through a process identified as limited appearance. In response to the Amended Notice of Hearing, two filings have been made, one a described petition to intervene by Coalition for Safe Power (CFSP) and Forelows on Board (FOB) and, a second, a letter which states that it is a petition to intervene, signed by Al Bailey, which contains certain descriptive material of interest in the proceeding and many assertions stated to be contentions. Neither the stated petition nor letter has been verified in the form required by the Rules of Practice.

The Answers to the foregoing filings which have been made by the Applicants (Puget Sound Power and Light Company, et al.) and the Regulatory Staff set forth various objections as to form and alleged lack of specificity in asserted contentions and other considerations, principally directed to the fact that the Amended Notice of Hearing provides for participation by parties related solely to the additional issues raised by the application of Portland General Electric Company to become a party applicant in this proceeding. Both the Applicants and the Regulatory Staff request that a prehearing conference be convened to consider the scope and interest of the persons submitting the filings seeking participation.

The Applicants assert that the ruling of the Appeal Board in re Cincinnati Gas and Electric Company (ALAB-305), slip op. on page 8 indicates the desirability of convening a special prehearing conference to consider all requests to intervene before issuing rulings on the alleged petitions. ALAB refers to the special prehearing conference as a necessity and presumably any rulings without the conference would be prima facie invalid. While many of the objections could be considered before a special prehearing conference, the variance in suggestions from parties in many of the proceedings respecting asserted petitions (the Staff herein has suggested that the Bailey letter petition be denied without a special prehearing conference) and the flexibility urged to permit corrections to and additions to the said petitions persuades this Board to convene a special prehearing conference.

The Atomic Safety and Licensing Board, in accordance with the Rules of Practice of the Commission, has inquired of the existing parties respecting a convenient date to convene a prehearing conference and has determined that Wednesday, May 12, 1976 is convenient.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, particularly 10 CFR Section 2.751a, that a special prehearing conference in this proceeding shall convene at 9:00 a.m. on Wednesday, May 12, 1976 in Courtroom 3086 of the New Fed-

eral Building, 915 Second Avenue, Seattle, Washington 98174, to consider the filings made by Coalition for Safe Power and Forelows on Board, and by Al Bailey seeking permission to participate as intervenors in this proceeding. This special prehearing conference shall consider the items specified for consideration by 10 CFR Section 2.751a.

Issued: April 15, 1976, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-11523 Filed 4-21-76;8:45 am]

[Docket Nos. 50-338 OL, 50-393 OL]

VIRGINIA ELECTRIC AND POWER CO.

Order

A petition in intervention has been filed herein by Sun Shipbuilding and Dry Dock Company. The Applicant opposes the petition and the Staff feels the petition insufficient. The Board is of the opinion that oral argument by the parties would be helpful to resolve the issue. Accordingly,

It is ordered that a prehearing conference will be held at 2 p.m. on May 7, 1976, in the NRC Hearing Room, 4350 East West Highway, 5th Floor, Bethesda, Maryland, to consider matters set forth in 10 CFR Section 2.751a with particular emphasis on the petition to intervene heretofore described.

Dated at Bethesda, Maryland, this 16th day of April 1976.

For the Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-11524 Filed 4-21-76;8:45 am]

[Docket Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 22, 22, and 19 to Facility Operating License Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of their dates of issuance.

The amendments permit a revision in the methods utilized to monitor fish impingement.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commis-

sion's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1975, and (2) Amendment Nos. 22, 22, and 19 to License Nos. DPR-38, DPR-47, and DPR-55, respectively. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina.

A copy of items 2 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors
Branch 1, Division of Operating Reactors.

[FR Doc.76-11276 Filed 4-21-76; 8:45 am]

[Docket No. 50-541]

GENERAL ATOMIC COMPANY

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on August 18, 1975 (40 FR 160) and the Nuclear Regulatory Commission having found that:

(a) The application filed by General Atomic Company Docket No. 50-541, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-108 to General Atomic Company, San Jose, California, authorizing the export of a research reactor with a thermal power level of 250 kilowatts to the Technical University of Istanbul, Istanbul, Turkey.

The export of this reactor to Turkey is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Turkey Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland, this 12th day of April, 1976.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports
Branch Division of Fuel Cycle
and Material Safety.

[FR Doc.76-11275 Filed 4-21-76; 8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will clarify instrumentation operability requirements during periods of functional testing and calibration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 18, 1976; (2) Amendment No. 30 to License No. DPR-57 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April 1976.

For The Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors
Branch Number 3, Division of Operating Reactors.

[FR Doc.76-11272 Filed 4-21-76; 8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO. Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

In accordance with the licensee's application for license amendment dated March 18, 1976, the proposed amendment would add revisions to the Technical Specifications relating to the use of new spent fuel storage racks. The proposed revisions to the Technical Specifications would allow a closer design center-to-center spacing between stored fuel assemblies by modifying the specified effective neutron multiplication factor. The proposed modifications would increase the spent fuel storage capacity from 840 to 1800 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 24, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street NW., Washington, D.C., the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions re-

lating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 18, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April 1976.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc.76-11273 Filed 4-21-76; 8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station Unit No. 1, located in Washington County, Nebraska.

The proposed amendment would modify those portions of the Technical Specifications which specify the operational requirements of the in-core neutron flux measuring system. The proposed changes would specify more definitive in-core detector operability requirements than are included in the present Technical Specifications, in accordance with the licensee's application for amendment dated December 1, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By May 24, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this

proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Hope Babcock, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 1, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, ATTN: Mr. Leona Hansen, Librarian, 1665 Lincoln Street, Blair, Nebraska 68008. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc.76-11274 Filed 4-2-76; 8:45 am]

REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.94, Revision 1, "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for installation, inspection, and testing of structural concrete and structural steel during the construction phase of all types of nuclear power plants. This guide endorses ANSI Standard N45.2.5-1974, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 13th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-11277 Filed 4-21-76; 8:45 am]

[Docket No. 40-8084]

RIO ALGOM CORP.**Availability of Final Environmental Statement for the Humeca Uranium Mill**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the proposed issuance of a license for the Humeca Uranium Mill located in San Juan County, Utah, is available for inspection by the Public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the San Juan County Library, Monticello, Utah. The Final Environmental Statement is also being made available to the public at the Utah State Clearinghouse, Utah Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City 84114 and the Southeastern Utah Association of Governments, Post Office Box 686, 109 S. Carbon Avenue, Price, Utah 84501.

The notice of availability of the Draft Environmental Statement for the Humeca Uranium Mill and requests for comments from interested persons was published in the FEDERAL REGISTER on December 15, 1972 (37 FR 26748). The comments received from Federal agencies, State and local officials, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0046) may be purchased on or about May 5, 1976, for \$16.25 a printed copy and \$2.25 for microfiche from the Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 14th day of April, 1976.

For the Nuclear Regulatory Commission

RICHARD B. CHITWOOD,
Chief, Facility Environmental
Assessment Branch, Division
of Fuel Cycle and Material
Safety.

[FR Doc.76-11271 Filed 4-21-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-17]

AIRCRAFT ACCIDENT REPORT AND BRIEFS; RESPONSES TO SAFETY RECOMMENDATIONS**Availability and Receipt**

Aircraft Accident Report. The National Transportation Safety Board reported April 16 that loss of control of a heavily loaded aircraft at an altitude too low for recovery caused the National Park Service charter plane crash near Kijik, Alaska, last September 12. The report, No. NSB-AAR-76-6, indicates that although the reasons for the loss of control of the DeHavilland Beaver DHC-2 could not be determined, the Safety

Board believes that control was lost when the pilot became preoccupied while conducting sightseeing activities and inadvertently stalled the aircraft. The Safety Board expresses concern regarding the aircraft owner's (Ketchum Air Service, Inc.) "inadequate flight following and his late notification of the missing aircraft." Also, the Safety Board believes that the Office of Aircraft Services of the U.S. Department of Commerce should enforce its requirement for flight plans to be filed with the Federal Aviation Administration where FAA facilities are available. As a result of this accident, on January 22 OAS sent a "Safety Management Release" No. 5) to all OAS-approved air taxi operators.

Aircraft Accident Briefs. Issue No. 2, "Aircraft Accident Reports, Brief Format, U.S. Civilian Aviation—1955," was released April 15, 1976. This volume contains a computer-printed synopsis of the findings and probable cause(s) of 899 general aviation accidents which occurred in the United States last year.

The brief reports in this publication contain essential information concerning the accidents reported; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 23¢ per page for printed matter, \$1.25 per page for black and white photographs, and \$4.00 per page for color photographs, plus postage. Minimum reproduction charge is \$2.00; an additional \$4.00 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide the following information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

The 1975 Issue No. 2 volume may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Letters in Response to Safety Recommendations. The Federal Aviation Administration, in a response dated April 9 to recommendation A-76-58 (41 FR 14953, April 8, 1976), states that a comprehensive study of the human failure aspects of air traffic control system errors is underway. FAA indicates that the automated data base, essential to sophisticated analytical studies, was begun in June 1975 and completed April 1, 1976. Analyses of the many aspects of system errors have been initiated, and results will be available by midyear 1976, according to FAA.

The Federal Railroad Administration's letter of April 8 is in further response to recommendation H-74-29, issued in report NTSB-HAR-74-3 relative to an automobile intrusion onto the Long Island Railroad electrified tracks and fire, Garden City, New York, August 8, 1973. The recommendation asked that FRA and the Long Island Railroad develop procedures and equipment by which emergency rescue personnel can safely short circuit the electrified tracks when

there is a need for immediate power shutdown to facilitate rescue efforts. FRA states, "Due to the complexities involved with catenary and third rail power supply, the FRA has been conducting considerable research in this area." FRA's field force is consulting with the railroad "to explore the operational considerations as well as the emergency procedures involved when there is a need for immediate shutdown to facilitate rescue efforts," according to the letter.

The U.S. Coast Guard letter of April 8 updates response to recommendation M-75-3, issued as a result of investigation into the grounding of the *SS Hillyer Brown* at Cold Bay, Alaska, March 7, 1973. Coast Guard states, "The Marine Traffic Requirements, now entitled Navigation Safety Regulations, spoken to in our previous response of 28 October 1975 on this recommendation will be published as a Notice of Proposed Rulemaking this fiscal year." (See 40 FR 52892, November 13, 1975.)

Also from the Coast Guard, letter of April 9, is an update on recommendation M-74-3, issued after investigation into the collision of the *Tug Carolyn* and *Barge Weeks No. 254* with the Chesapeake Bay Bridge and Tunnel, September 21, 1972. The Coast Guard advises that a joint Coast Guard/Towing Industry Advisory Committee study group has been formed to develop operating manuals for towing vessels. The results of this study will be used to provide the material for operating manuals to be published and distributed by the Coast Guard during 1977.

The Polk School District, State of Georgia, addressee of recommendation H-75-17, advises by letter of April 1 that its Director of Transportation is periodically checking railroad crossings used by school buses in Polk County. These checks are done at varying times in the morning and afternoon, with no advance notice to the drivers, to insure compliance of both State and local regulations. No written records are made unless violations are observed, according to the letter. In addition to the field checks, all drivers have been required to submit to safety programs conducted by the Georgia State Patrol, the State Department of Education, and Polk School District. Recommendation H-75-17 was issued in the Safety Report on the collision of a Southern Railway work train with a Polk District schoolbus at Aragon, Georgia, October 23, 1974. (See 40 FR 42247, September 11, 1975.)

The Safety Board on April 9 replied to the Federal Aviation Administration's letter of April 2 regarding recommendations A-76-59 through 64. (See 41 FR 15922, April 15, 1976.) According to the letter, the Board is in general agreement with the long-term actions contemplated by FAA regarding airworthiness and safe operation of the CF6 engine and is also aware of the testing being conducted at General Electric to identify and remedy the cause of overpressure in the CF6 engine. The Board states, " * * * the bird ingestion tests should be conducted in accordance with AC 33-1A at the conclusion of the present testing efforts to permit the findings from the imbalance

tests to be analyzed and corrective measures incorporated in the CF6 prior to bird ingestion tests." Further, the Board states that the final assessment of bird ingestion tolerance of the CF6 should be demonstrated in accordance with the standards of AC 33-1A to assure that secondary damage to the core engine can be evaluated under controlled test conditions. The Board concludes that, until bird ingestion tests have been completed and needed modifications of the engine undertaken, recommendation A-76-62, proposing establishment of bird patrols to sweep runways used by CF6-powered aircraft at airports having a known bird problem, is the immediate action needed to deal with this particular aviation hazard.

The aviation accident report is available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 19, 1976.

[FR Doc.76-11685 Filed 4-21-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of a panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C., on Friday, May 14, 1976, at 10:00 a.m.

The purpose of the meeting is to advise the Statistical Policy Division of the Office of Management and Budget concerning reporting problems associated with the proposed Bureau of the Census' 1976 Recordkeeping Practices Survey (Mailout Forms), Forms S-427 and S-429. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-5631.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.76-11657 Filed 4-21-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 31]

ASSIGNMENT OF HEARINGS

APRIL 19, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 Sub 372, Jenkins Truck Lines, Inc., now assigned May 18, 1976, at Columbus, Ohio, will be held in Room 235, Federal Bldg., U.S. Courthouse, 85 Marconi Blvd.
MC-C 8831, Associated Truck Lines, Inc. Et Al. V. Lyons Transportation Lines, Inc. Et Al., Now Assigned May 24, 1976, at Columbus, Ohio, will be held in Room 235, Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd.

MC-F 12656 Fischbach Trucking Co.—Control and Merger—Coyle Trucking Co., And Peck Movers, Inc., MC 111398 Sub 15 and Sub 16, Fischbach Trucking Co., now assigned May 26, 1976, at Columbus, Ohio, will be held in Room 235, Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd.

MC 106603 Sub 146, Direct Transit Lines, Inc., now assigned May 19, 1976, at Columbus, Ohio, will be held in Room 235, Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd.
MC 135284 Sub 4, Fleetwood Transportation Corp., now assigned May 20, 1976, at Columbus, Ohio, will be held in Room 235, Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd.

MC 136343 Sub 65, Milton Transportation Inc., now assigned May 21, 1976, at Columbus, Ohio, will be held in Room 235 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd.

FF 476, Astro Air Express, Inc., now assigned May 19, 1976 at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 123407 (Sub-No. 265), Sawyer Transport, Inc., now assigned May 18, 1976, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 140484 Sub 10, Lester Coggins Trucking, Inc., now assigned May 24, 1976, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC-F12653, Roadway Express, Inc.—Purchase—Portion of Key Line Freight, Inc., now assigned May 26, 1976, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 139495 Sub 93, National Carriers, Inc., now assigned April 27, 1976, at Chicago, Ill., is canceled and application dismissed.

MC 134323 (Sub 80), Jay Lines, Inc. now being assigned July 20, 1976 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 107678 (Sub 59), Hill & Hill Truck Line, Inc. now being assigned July 21, 1976 (3 days) at Dallas, Texas in a hearing room to be later designated.

MC 119774 (Sub 88), Eagle Trucking Company now being assigned July 26, 1976 (1 week) at Dallas, Texas in a hearing room to be later designated.

MC 59531 Sub 103, Auto Convoy Co., now assigned May 25, 1976, at Dallas, Tex., will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street.

MC 107295 Sub 771, Pre-Fab Transit Co., now assigned May 17, 1976, at Dallas, Tex., will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street.

MC 119789 Sub 261, Caravan Refrigerated Cargo, Inc., now assigned May 20, 1976, at Dallas, Tex., will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street.

MC 106644 Sub 214, Superior Trucking Company, Inc., now assigned May 24, 1976, at Dallas, Tex., will be held in Room 5A-15-17, New Federal Building, 1100 Commerce Street.

MC 95540 (Sub 938), Watkins Motor Lines, Inc. now being assigned May 20, 1976 (2 days) at St. Louis, Missouri and will be held in Room 742, Magistrate Court A, 1114 Market Street, U.S. District Courthouse and Customs.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11707 Filed 4-21-76;8:45 am]

[Notice No. 232]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76484, filed April 4, 1976. Transferee: Morgan County Trucking,

Inc., 1010 East Nutter Street, Martinsville, Indiana 46151. Transferor: Callis Trucking, Inc., Clay & Market Street, Box 25, Centerton, Indiana 46116. Applicants' representative: Warren C. Moberly, Attorney at Law, 777 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits Nos. MC 134910 (Sub-No. 1), MC 134910 (Sub-No. 2), MC 134910 (Sub-No. 4), and MC 134910 (Sub-No. 8), issued July 20, 1972, January 25, 1971, April 27, 1972, and November 13, 1975, respectively, as follows: brick, structural facing tile, floor tile, and structural clay tile and related clay products, from, to, and between points in Indiana, Ohio, Pennsylvania, Illinois, North Carolina, South Carolina, Virginia, Tennessee, and Georgia. Transferee is presently authorized to operate as a contract carrier under Permit No. MC 134648. Application has been filed for temporary authority under Section 210 a(b).

No. MC-FC-76498, filed April 13, 1976. Transferee: Fraioli & Quigley Moving, Inc., 121 Frank Avenue, Mamaroneck, New York 10543. Transferor: Shea Moving & Storage, Inc., 174 Harrison Avenue, Harrison, New York 10528. Applicants' representative: Richard E. Lanza, Esq., Attorney at Law, Johnston, Castiglia & Lanza, 229 Harrison Avenue, Harrison, New York 10528. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 81852, issued November 3, 1971, as follows: Household goods, as defined by the Commission, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Massachusetts, Connecticut, New Hampshire, Rhode Island, New Jersey, Pennsylvania, and Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76507, filed April 15, 1976. Transferee: A. P. Hatch, Inc., P.O. Box 367, Broussard, La. 70518. Transferor: Service Pipe Stringing, Inc., P.O. Box 4943, Monroe, La. 71201. Applicants' representative: Ralph E. Kraft, Attorney at Law, P.O. Drawer Z, Lafayette, La. 70501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 121130 (Sub-No. 1), issued October 21, 1963, as follows: Machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repairing, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up of pipe, anywhere within the State of Louisiana. Transferee presently holds no authority from this Commission. Applicant has not been filed for temporary authority under Section 210 a(b).

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11712 Filed 4-21-76;8:45 am]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

APRIL 16, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 45656 (Sub-No. 10) (Notice of Filing of Petition to Modify Certificate), filed April 7, 1976. Petitioner: ANDERSON TRUCK LINE, INC., 531 W Harper Ave., P.O. Drawer 191, Lenoir, N.C. 28645. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Petitioner holds a motor common carrier certificate in No. MC 45656 (Sub-No. 10) issued May 20, 1966, authorizing transportation, over irregular routes, of *Veneers and dimensioned furniture-stock produced from wood*, in white or rough, used in the manufacture of furniture, from points in Georgia (except Atlanta and Savannah), to points in Caldwell County, N.C., with no transportation for compensation on return, except as otherwise authorized.

By the instant petition, petitioner seeks (1) to modify the commodity description so as to read: *Materials* used in the manufacture of furniture, and (2) to delete from the territorial description "with no transportation for compensation on return, except as otherwise authorized."

No. MC 101134 (Sub-No. 6) (Notice of Filing of Petition for Modification of Certificate), filed March 24, 1976. Petitioner: ARO COACHES, INC., 107 S. Wood Ave., Linden, N.J. 07036. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Petitioner holds a motor common carrier certificate in No. MC 101134 (Sub-No. 6), issued February 1, 1952, authorizing transportation, over regular routes, of: *Passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, between Elizabeth, N.J., and the Borough of Richmond, N.Y.; from the terminal of the Central Railroad of New Jersey in Elizabeth over Union Street to junction West Jersey Street, thence over West Jersey Street to junction Broad Street, thence over

Broad Street to junction Elizabeth Avenue, thence over Elizabeth Avenue to junction Fifth Street, thence over Fifth Street to junction South Fifth Street (also from junction Elizabeth Avenue and Fifth Street over Elizabeth Avenue to junction Third Street, thence over Third Street to junction Magnolia Avenue, thence over Magnolia Avenue to junction First Street, thence over First Street to junction Elizabeth Avenue, thence over Elizabeth Avenue to junction First Avenue, thence over First Avenue to junction Fifth Street, thence over Fifth Street to junction South Fifth Street), thence over South Fifth Street to junction Summer Street, thence over Summer Street to junction Arnett Street, thence over Arnett Street to junction Clarkson Avenue, thence over Clarkson Avenue to junction New Jersey Highway 28 (Bay Way), and thence over New Jersey Highway 28 to the New Jersey-New York State line, thence over city streets in the Borough of Richmond, and return over the same route, with service authorized to and from all intermediate points.

By the instant petition, petitioner seeks to modify its authority to provide special and charter operations from the boroughs of Richmond, Manhattan, Queens, Bronx, and Brooklyn and points along petitioner's regular route located in New York City, N.Y., to points in the United States, including Alaska and Hawaii, and return. Petitioner states it has openly offered and conducted incidental charter services in the requested territory for more than 38 years pursuant to Section 208(c) of the Interstate Commerce Act, and interprets the meaning of the word "territory" as utilized in Rule III of Ex Parte No. MC 29, Regulations Governing Special or Chartered Party Service, 29 M.C.C. 25 as embracing the zone which exists by geographical, political, economic, and trade practices.

No. MC 116763 (Sub-No. 133) (Notice of Filing of Petition to modify Commodity Description), filed February 25, 1976. Petitioner: CARL SUBLER TRUCKING, INC., P.O. Box 81, North West St., Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same address applicant). Petitioner holds a motor common carrier certificate in No. MC 116763 (Sub-No. 133) issued February 13, 1969, authorizing transportation, over irregular routes, of *Canned foodstuffs*, from Paris, Tex., to points in Mississippi, restricted to traffic originating at the plantsite or storage facilities of Campbell Soup Company.

By the instant petition, petitioner seeks to broaden the commodity description to include *prepared foodstuffs* in the above authority.

No. MC 117669 (Sub-No. 3) (Notice of Filing of Petition for Modification of Certificate), filed March 25, 1976. Petitioner: WHEELWAYS, INC., 499 Central Avenue, New Providence, N.J. 07974. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor common carrier certificate in No. MC 117669 (Sub-No. 3), issued Novem-

ber 22, 1974, authorizing transportation, over irregular routes, of: (1) *Electrical equipment, fittings, and fixtures*, and (2) *materials, supplies, and equipment* used in the production of the commodities in (1) (except commodities in bulk), between Union, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y.), Rhode Island and Vermont, restricted to the transportation of shipments originating at or destined to the facilities of Mulberry Metal Products, Inc., of Union, N.J.

By the instant petition, petitioner seeks to modify its authority by deleting the restriction from the above authority. The commodities and territories described therein remain the same.

No. MC 119075 (Notice of Filing of Petition to Add An Origin Point), filed March 19, 1976. Petitioner: ELLIS INTERSTATE CORPORATION, 81-531 Industrial Place, Indio, Calif. 92201. Petitioner's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Petitioner holds a motor common carrier certificate in No. MC 119075, issued February 12, 1965, authorizing transportation over irregular routes, of *cement*, from the plant site of the Permanente Cement Company, at Cushenbury (San Bernardino County), Calif., to points in Clark, Lincoln, and Nye Counties, Nev., and to Yuma County, Ariz.

By the instant petition, petitioner seeks to add the plant site of Southwestern Portland Cement Company at Victorville (San Bernardino County), Calif., as an additional origin point in the above authority.

No. MC 133531 (Notice of Filing of Petition to Add an Additional Shipper), filed March 25, 1976. Petitioner: WALTHILL TRANSPORTATION CO., Walthill, Nebr. 68067. Petitioner's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor contract carrier permit in No. MC 133531, issued February 26, 1973, authorizing transportation, over irregular routes, of *farm machinery* (except self-propelled equipment), from the plant-site or warehouse facilities of Campbell Manufacturing Company, Inc., located at or near Walthill, Nebr., to points in the United States (except Alaska and Hawaii); and *materials, equipment, and supplies* used in the manufacture of farm equipment (except self-propelled equipment), from points in the United States (except Alaska and Hawaii), to the plant or warehouse facilities of Campbell Manufacturing Company, Inc., at or near Walthill, Nebr., restricted to a transportation service to be performed under a continuing contract, or contracts with Campbell Manufacturing Company, Inc., of Walthill, Nebr.

By the instant petition, petitioner seeks to modify its authority by adding Rawhide Manufacturing Company as an additional contracting shipper.

* Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 136898 (Notice of Filing of Petition to Modify Permit), filed April 5, 1976. Petitioner: BAKER TRANSPORT, INC., P.O. Box 870, Hartselle, Ala. 35640. Petitioner's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Petitioner holds a motor contract carrier permit in No. MC 136898, issued June 8, 1973, authorizing transportation over irregular routes, of: (1) *Reels*, from Hartselle and Decatur, Ala., Temple, Ga., Clarksville, Ark., Elkhart, Ill., and Marshall, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of reels (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Hartselle and Decatur, Ala., Temple, Ga., Clarksville, Ark., Elkhart, Ill., and Marshall, Tex., restricted to service to be performed under a continuing contract, or contracts, with Baker Industries, Inc., and its affiliates.

By the instant petition, petitioner seeks to delete from (1) and (2) above "Clarksville, Ark. and Marshall, Tex.", and add "Jefferson, Tex."

No. MC 138510 (Sub-No. 1) (Notice of Filing of Petition to Add an Origin Point), filed March 29, 1976. Petitioner: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, N.J. 08240. Petitioner's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 1517. Petitioner holds a motor contract carrier permit in No. MC 138510 (Sub-No. 1), issued November 30, 1973, authorizing transportation, over irregular routes, of *malt beverages*, in containers, from Milwaukee, Wis., to Atlantic City and Wildwood, N.J., restricted to a transportation service to be performed under a continuing contract, or contracts, with South Jersey Distributors' Co., Inc., of Atlantic City, N.J.

By the instant petition, petitioner seeks to add Volney Township, N.Y. as an additional point of origin.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including, a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 116763 (Sub-No. 318) (Republication), filed July 7, 1975, and published in the FEDERAL REGISTER issue of July 31, 1975, and republished this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). A Supplemental Order of the Commission, Review Board Number 2, dated March 15, 1976 and served April 8, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *canned foodstuffs*, from Belvidere, Ill., to points in Tennessee, points in Alabama on and north of U.S. Highway 72 alternate, and on and west of U.S. Highway 31, points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line, and extending south along U.S. Highway 63, to the junction of Arkansas Highway 1, thence along Arkansas Highway 1 to the junction of U.S. Highway 49, and points on and north of the junction of Arkansas Highway 1 and U.S. Highway 49, along U.S. Highway 49 to the Mississippi River and points in Mississippi on and north of U.S. Highway 82, restricted to the transportation of shipments originating at the facilities of Green Giant Company, at Belvidere, Ill., and destined to the named destinations, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate applicant's service of points in Mississippi on and north of U.S. Highway 82, in lieu of U.S. Highway 72.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by jointer, interline, or other means—by which protestant would be such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests

not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 38), filed March 19, 1976. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin St., San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, foodstuff and advertising material*, from the warehouse facilities of Planters/Curtiss Confectionery, a Division of Standard Brands, Inc. located at Bensenville, Ill., to points in Texas.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 2368 (Sub-No. 56), filed March 22, 1976. Applicant: BRALLEY-WILLET TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast slurry and spent brewers yeast* in bulk, in tank vehicles, from points in Virginia, to points in New Jersey.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Richmond, Va.

No. MC 11207 (Sub-No. 363), filed March 22, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Particle board*, from the plantsite and warehouse facilities of Vamply, Inc. located at or near Many, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Birmingham, Ala.

No. MC 11294 (Sub-No. 11), filed March 15, 1976. Applicant: INDUSTRIAL CITY LINES, INC., 5310 St. Joseph Avenue, St. Joseph, Mo. 64505. Applicant's representative: Tom B. Kretzinger, Suite 910, Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans*, from Omaha, Nebr., to Topeka, Kans., and St. Joseph, Mo.; (2) *damaged and rejected shipments*, on return in (1) above; and (3) *cans*, from St. Joseph, Mo., to Topeka, Kans., restricted in (1), (2) and (3) above to transportation on power rolled equipment.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 14781 (Sub-No. 12) (Amendment), filed December 5, 1975, published in the FEDERAL REGISTER issue of January 22, 1976, and republished this issue. Applicant: GOTTRY CORP., 999 Beahan Road, Rochester, N.Y. 14624. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which, because of size and weight, requires special equipment or special handling and those *self-propelled articles* included within road building construction equipment, each weighing 15,000 lbs. or more, and *related machinery, tools parts, and supplies* moving in connection therewith, between points in Niagara, Erie, Cattaraugus, Chautauqua, Orleans, Genesee, Wyoming, and Allegany Counties, N.Y., and in Warren and McKean Counties, Pa., on the one hand, and, on the other, points in Ohio and the lower peninsula of Michigan; and (2) *commodities* the transportation of which because of size and weight, requires special equipment or special handling and those *self-propelled articles* included within road building construction equipment, each weighing 15,000 lbs. or more, and *related machinery, tools parts, and supplies* moving in connection therewith, between points in New York within the New York, N.Y., commercial zone, on the one hand, and, on the other, points in New York on and west of a line beginning at the International Boundary line between the United States and Canada and extending southerly along Interstate Highway 81 to its intersection with New York Highway 12 near Watertown, N.Y., thence along New York Highway 12 through Utica, N.Y., to its intersection with Interstate Highway 81, and thence along Interstate Highway

81 to the New York-Pennsylvania State Boundary line.

NOTE: The purpose of this republication is to indicate that this matter is not a gateway elimination. Applicant states it holds authority presently restricted against tacking and by the instant application concurrently seeks both tacking and gateway elimination. If a hearing deemed necessary, the applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 19227 (Sub-No. 226), filed March 15, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th St., P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carports*, without sides or ends, with or without posts or standards, K.D. steel flat, from the plant site and warehouse facilities of Childers Manufacturing Company, located at or near Houston, Tex., to points in Alabama, Arkansas, Arizona, California, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, Tex. or Washington, D.C.

No. MC 19227 (Sub-No. 227), filed March 22, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment* used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., at Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Perris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol, and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marchfield, Wis., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif. or Miami, Fla.

No. MC 21866 (Sub-No. 86), filed March 25, 1976. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, Pa. 19512. Applicant's

representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel towers and parts thereof*, from the facilities of Stainless, Inc. located at Pine Forge, Pa., to points in the United States (except Alaska, Hawaii, and Pennsylvania), restricted to the transportation of shipments originating at the named facilities.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 29910 (Sub-No. 168), filed March 18, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, 510 North Greenwood Avenue, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Dow Chemical U.S.A. at Magnolia, Ark., as an off-route point in connection with carrier's regular-route operations to and from El Dorado, Ark.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Little Rock, Ark.

No. MC 44735 (Sub-No. 27), filed March 22, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Miami, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas.

NOTE: If a hearing is deemed necessary, the applicant requests it be held in consolidation with Western Lines, Inc.; W. D. Smith Truck Lines, Inc.; Morgan Drive-Away, Inc.; and Eagle Trucking Co. Applicant does not specify a location.

No. MC 45736 (Sub-No. 51), filed March 18, 1976. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and those points in Louisiana east of the Mississippi River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 52704 (Sub-No. 124), filed March 18, 1976. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H," Lafayette, Ala. 36862. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and those points in Louisiana east of the Mississippi River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 54855 (Sub-No. 5), filed March 8, 1976. Applicant: LOUISVILLE, NEW ALBANY & CORYDON RAILROAD COMPANY, doing business as LOUISVILLE AND CORYDON TRANSFER, Walnut and Water Streets, Corydon, Ind. 47112. Applicant's representative: Walter Saulman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those requiring special equipment, Classes A and B explosives, household goods as defined by the Commission, commodities of unusual value), from Corydon, Ind., to points in Crawford County, Ind.

NOTE.—Applicant states the requested authority can be tacked at Corydon, Ind. If a hearing is deemed necessary, the applicant requests it be held at either English or Corydon, Ind.

No. MC 61592 (Sub-No. 385), filed March 22, 1976. Applicant: JENKINS TRUCK LINE, INC., a Corporation, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial or commercial waste containers*, from the plantsite of Galbreath, Incorporated, located at or near Winamac, Ind., to points in Arizona, California, Colorado, Iowa, Delaware, Idaho, Kansas, Louisiana, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 64932 (Sub-No. 557) (Correction), filed February 17, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as corrected this issue. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's

representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol*, dry, in bulk, in tank vehicles, from points in Louisiana, Mo. to Deer Park, Tex.

NOTE.—The purpose of this republication is to correct the origin point in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 74416 (Sub-No. 14), filed March 15, 1976. Applicant: LESTER M. PRANGE, INC., P.O. Box 1, Kirkwood, Pa. 17536. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete, cinder and slag products*, on vehicles equipped with mechanical unloading devices, from York, Pa., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia and Nassau and Suffolk Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 83835 (Sub-No. 130), filed March 22, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors machinery, equipment, materials and supplies*, between Tulsa, Okla., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa, Okla. or Dallas, Tex.

No. MC 85850 (Sub-No. 11), filed March 22, 1976. Applicant: NEYLON FREIGHT LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Kin D. Mann, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, Classes A and B explosive, commodities requiring special equipment, and commodities in bulk), between points in Nebraska and Kansas City, Mo., on the one hand, and, on the other, points in that part of Colorado east and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 87 to Denver, Colo., thence along U.S. Highway 40 to Strasburg, Colo., and thence along U.S. Highway 36 to the Colorado-Kansas State line, including points on the indicated portions of the highways specified, restricted in point of time to a

period ending with the date of the termination of carrier's presently held lease of the Mersheim Transfer, Inc., rights in No. MC-F-11852 for any reason other than an approved and consummated purchase by carrier of the same rights as are now leased from the above-described lessor.

NOTE.—Applicant states that this application adds Kansas City, Mo., as a point of service to applicants existing irregular-route authority in MC 85850 (Sub-No. 10). Identical service to and from Kansas City is authorized and may be performed by tacking the irregular-route authority in MC 85850 (Sub-No. 10) with applicant's regular-route authority in MC 85850 (Sub-No. 5) at Beatrice, Nebr., or other southeast Nebraska points. The purpose of this application is to eliminate southeast Nebraska as a gateway on traffic moving between the Denver, Colo., area and Kansas City, Mo. The resulting mileage savings is 56 miles (9 percent). Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 89684 (Sub-No. 92), filed March 8, 1976. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, P.O. Box 366, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and articles which because of size and weight require special handling), serving points in Utah as off-route point in connection with applicants regular route authority in MC 89684 and subs 54, 57, 63, 78 and 81, restricted against the transportation of any package, articles or item weighing over 100 pounds, and further restricted against the transportation of packages, articles or items which aggregate more than 200 pounds in any one day, from any one consignor to any one consignee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 96770 (Sub-No. 11) (Amendment), filed February 20, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as amended this issue. Applicant: FLORIDA TERMINALS AND TRUCKING COMPANY, P.O. Box 13607, Orlando, Fla. 32809. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods as defined by the Commission), from points in Orange County, Fla., to points in Citrus, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Okeechobee and Sumter Counties, Fla., restricted to shipments having a prior or subsequent movement by rail.

NOTE: The purpose of this republication is to correct the above restriction in the territorial description. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 96823 (Sub-No. 3), filed March 19, 1976. Applicant: R.M.D., INC., 344 Dublin Avenue, Columbus, Ohio 43215. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Columbus, Ohio, on the one hand, and, on the other, points in Ohio, restricted against service to commercial zone points located outside of Ohio.

NOTE: Applicant seeks to convert its Certificate of Registration No. MC 96823 Sub-No. 1 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Pittsburgh, Pa.

No. MC 100666 (Sub-No. 318), filed March 24, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle-board*, from the plantsite and warehouse facilities of Vanply, Inc. located at or near Many, La., to points in and east of Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 103993 (Sub-No. 865), filed March 25, 1976. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut buildings, and materials and supplies* used in the erection and construction thereof, from King County, Wash., to points in the United States (excluding Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 106674 (Sub-No. 187) (Correction), filed March 1, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as corrected this issue. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime-stone and gypsum*, from Knoxville, Iowa and Irvington, Ky., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to correct the commodity description which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106775 (Sub-No. 39), (Amendment), filed October 9, 1975, published in the FEDERAL REGISTER issues of October 31, 1975 and March 4, 1976, republished as amended this issue. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (except commodities in bulk), from the plant site and facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii, and Texas), and (2) *materials, equipment, and supplies* used in the manufacture, processing and distribution of iron and steel articles, (except commodities in bulk) from points in the United States (except Alaska, Hawaii, and Texas) to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE: The purpose of this republication is to amend the requested authority in this proceeding. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 106956 (Sub-No. 3), filed March 24, 1976. Applicant: SYLVESTER TRUCKING CO., 2930 Gradwohl, Toledo, Ohio 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast, prestressed concrete components and structures*, from the plantsite and facilities of Great Lakes Structural Concrete Products, Inc. located at Toledo, Ohio to points in Indiana, Kentucky, Michigan and West Virginia; and (2) *materials, equipment and supplies* used in the manufacture of precast, prestressed concrete components and structures, from points in Indiana, Kentucky, Michigan and West Virginia, to the plantsite and facilities of Great Lakes Structural Concrete Products, Inc. located at Toledo, Ohio.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich.; Columbus, Ohio; or Washington, D.C.

No. MC 107064 (Sub-No. 112), filed March 15, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*

and liquid feed ingredients, from Atchison and Wolcott, Kans., to points in Oklahoma, Colorado, Texas, Arkansas and New Mexico.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107064 (Sub-No. 113), filed March 22, 1976. Applicant: STEERE TANK LINES, INC., 2808 Fairmont Street, P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from the plantsite and storage facilities of Occidental Chemical Company at or near Grant, Nebr., to points in Colorado, Iowa, Kansas, Missouri, North Dakota, Oklahoma, South Dakota and Wyoming.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107496 (Sub-No. 1019), filed March 22, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 668 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, from points in the United States (except Alaska and Hawaii), to Cordova, Ill.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 107818 (Sub-No. 80), filed March 22, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsites, warehouses and storage facilities of, or used by, Swift Edible Oil Co., at or near Chattanooga, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108341 (Sub-No. 44), filed March 25, 1976. Applicant: MOSS TRUCKING COMPANY, P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and accessories and materials* used in the installation thereof, from the plantsite and warehouse facilities

ties of Abitibi Corporation, located in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests a consolidated record with seven other shippers supported by Abitibi Corporation for similar authority at either Chicago, Ill. or Washington, D.C.

No. MC 111729 (Sub-No. 629), filed March 22, 1976. Applicant: PUROLA-TOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Emergency mining equipment repair and replacement parts, and related business papers, records, and audit and accounting media*, between Wise, Va., on the one hand, and, on the other, Beckley and Charleston, W. Va., restricted against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate; (2) *repair and replacement automotive parts and related accessories*, between Warren-dale, Pa., on the one hand, and, on the other, Ashland, Ky.; Cumberland and Oakland, Md.; Big Stone Gap, Gate City, and Grundy, Va.; and points in New York, Ohio, and West Virginia, restricted against the transportation of packages or articles weighing in excess of 50 pounds per package and 125 pounds in the aggregate, from one consignor to one consignee on any one day.

NOTE: Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111831 (Sub-No. 12), filed March 23, 1976. Applicant: SAMUEL STANGLE, 278 Valley Rd., R.D. No. 1, Somerville, N.J. 08876. Applicant's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automotive accessories, parts and supplies, and such commodities as are used or sold by gasoline service stations* (except commodities in bulk, in tank vehicle), between the warehouse facilities of Gulf Oil Company-U.S. and Gulf Tire & Supply Company located at Atlanta, Fulton County, Ga., and those points in Connecticut, Delaware, Illinois, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts with Gulf Oil Company-U.S. and Gulf Tire & Supply Company, wholly-owned subsidiaries of Gulf Oil Corporation.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 111871 (Sub-No. 10), filed March 22, 1976. Applicant: SOUTH-EASTERN FREIGHT LINES, P.O. Box 5887, Columbia, S.C. 29250. Applicant's representative: Jon F. Hollengreen, 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Spartanburg, S.C., and Spencer, N.C., serving all intermediate points: From Spartanburg over U.S. Highway 29 to Spencer, and return over the same route; (2) Between Gaffney, S.C., and Hickory, N.C., serving all intermediate points: From Gaffney over South Carolina Highway 18 to the North Carolina-South Carolina State Line, thence over North Carolina Highway 18 to junction North Carolina Highway 10, thence over North Carolina Highway 10 to junction North Carolina Highway 127, thence over North Carolina Highway 127 to Hickory, and return over the same route; (3) Between Rock Hill, S.C., and Statesville, N.C., serving all intermediate points: From Rock Hill over U.S. Highway 21 to Statesville, and return over the same route; (4) Between Waxhaw, N.C., and Taylorsville, N.C. serving all intermediate points: From Waxhaw over North Carolina Highway 16 to Taylorsville, and return over the same route; (5) Between Darlington, S.C., and Monroe, N.C. serving all intermediate points: From Darlington over South Carolina Highway 151 to Pageland, S.C., thence over U.S. Highway 601 to Monroe, and return over the same route; (6) Between Cheraw, S.C., and Advance, N.C., serving all intermediate points: From Cheraw over U.S. Highway 52 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction North Carolina Highway 801, thence over North Carolina Highway 801 to Advance, and return over the same route.

(7) Between Wadesboro, N.C., and Mooresboro, N.C., serving all intermediate points: From Wadesboro over U.S. Highway 74 to Mooresboro, and return over the same route; (8) Between Albemarle, N.C., and Polkville, N.C., serving all intermediate points: From Albemarle over North Carolina Highway 27 to junction North Carolina Highway 182, thence over North Carolina Highway 182 to Polkville, and return over the same route; (9) Between Salisbury, N.C., and Taylorsville, N.C., serving all intermediate points: From Salisbury over U.S. Highway 70 to Statesville, N.C., thence over North Carolina Highway 90 to Taylorsville, and return over the same route; and (10) Between Fork, N.C., and Hickory, N.C., serving all intermediate points: From Fork, over U.S. Highway 64 to Hickory, and return over the same route; serving points in Cleveland, Gaston, Mecklenburg, Union, Anson, Lincoln, Cabarrus, Stanly, Catawba, Rowan, Alexander, Iredell and Davie Counties, N.C., as off-route points in connection with those routes, serving points in South Carolina and Georgia in (1) through (10) above, and either as off-route or intermediate points in connection with the above routes, and carrier's existing routes in those states. Restriction: Service may not be provided between points in Georgia.

NOTE: Applicant states in its lead certificate, Docket No. MC 111871, carrier is authorized to serve points in Georgia and South Carolina over regular routes, restricted to transportation of traffic between points in Georgia, on the one hand, and, on the other, points in South Carolina. By this application carrier seeks additional authority to provide service between points in South Carolina over the regular routes set forth in its lead certificate, and as off-route points in connection therewith. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Charlotte, N.C.

No. MC 112617 (Sub-No. 340), filed March 12, 1976. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Edward J. Kiley, 1730 M. Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant and warehouse facilities of the Ashland Chemical Company located at or near Leach (Boyd County), Ky., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina and South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112617 (Sub-No. 341), filed March 18, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ink and ink materials*, in bulk, in tank vehicles, from the plant site of Flint Ink Corporation, at or near New Albany, Ind., to Glen Burnie, Md.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112801 (Sub-No. 183), filed March 22, 1976. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company, at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 396) (Correction), filed January 26, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, republished as corrected this issue. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, charcoal fireplace logs, and lighter and starter fluid* (except in bulk), (1) from Jacksonville, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin and Wyoming; and (2) from Paris, Ark., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to indicate the origin point as being Paris, Ark. in lieu of Paris, Tex. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Dallas, Tex.

No. MC 11267 (Sub-No. 333), filed March 22, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bags*, from Valdosta, Ga., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 113531 (Sub-No. 1) (Correction), filed January 14, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished as corrected this issue. Applicant: B & M SERVICE, INC., Box 888, Rangely, Colo. 81648. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in or in connection with, the discovery, development, processing, storage, production, refining, manufacture, transmission and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, equipment, materials and supplies*, used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main or truck pipelines), between points in Garfield, Grand, Gunnison, Mesa, Moffat, Rio Blanco and Routt Counties,

Colo., on the one hand, and, on the other, points in Utah and Wyoming.

NOTE: The purpose of this republication is to add Moffat as a base radial point to the above territorial description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 113678 (Sub-No. 626), filed March 19, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant-site and storage facilities of M&M/Mars, a division of Mars, Inc. located at or near Waco, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington, Wisconsin and Wyoming, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destination states.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or New York, N.Y.

No. MC 113855 (Sub-No. 341) (Correction), filed March 3, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors and farm machinery*; and (2) *attachments, accessories and parts* for the commodities described in (1) above, from Sparks, Nev., to points in Arizona, California, Idaho, Montana, Oregon, Utah, Washington, and points on the International Boundary line between the United States and Canada located in Washington, Idaho and Montana.

NOTE: The purpose of this republication is to add Oregon to the above destination. If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev. or San Francisco, Calif.

No. MC 113855 (Sub-No. 342), filed March 21, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pumice stone* in packages, from Malad City, Idaho, to points in the United States, including Alaska but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 113855 (Sub-No. 343), filed March 22, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 501 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Sawmill machinery, self-propelled material handling equipment and self-propelled log slashing and skidding equipment* (except self-propelled vehicles designed for the transportation of property or passengers on highways), and *parts and attachments* of sawmill machinery, self-propelled material handling equipment and self-propelled log slashing and log skidding equipment, between Enumclaw, Wash., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii, and points in Canada, through all ports of entry on the International Boundary line between the United States and Canada; and (2) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the United States and points in Canada, to Enumclaw, Wash., through all ports of entry on the International Boundary line between the United States and Canada (except Alaska and Hawaii).

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash. or Portland, Ore.

No. MC 113855 (Sub-No. 344), filed March 22, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, siding, fittings, couplings and connections*; and (2) *accessories* for commodities named in (1) above, from the plant-site of Certain-Teed Products Corporation located at or near Williamsport, Md., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 321), filed March 21, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Boxes and pulpboard*, other than corrugated, from Cleveland, Tenn., to points in Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and

Texas; and (2) *materials, supplies and equipment* used in the manufacture and distribution of boxes and pulpboard, other than corrugated (except commodities in bulk, in tank vehicles), from points in Georgia, Kentucky, North Carolina, and Virginia to Cleveland, Tenn.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y. or Atlanta, Ga.

No. MC 115311 (Sub-No. 187), filed March 18, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division located at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and those points in Louisiana east of the Mississippi River.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 115496 (Sub-No. 42), filed March 18, 1976. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia and those points in Louisiana east of the Mississippi River.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 518), filed March 26, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the facilities of Maverick Beef Packers, Inc. located at or near Eagle Pass, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North

Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Austin, or El Paso, Tex.

No. MC 115904 (Sub-No. 47), filed March 22, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warf, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest products, sawmill products, wood products, composition board and wall board*, (1) from points in Montana and Idaho to points in California; and (2) from points in California to points in Arizona, New Mexico, Oklahoma and Texas.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah or Boise, Idaho.

No. MC 115924 (Sub-No. 30), filed March 24, 1976. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweeteners*, in bulk, in tank vehicles, from the plantsite of Savannah Foods & Industries, Inc. located at Port Wentworth, Ga., to points in Delaware, Maryland, Mississippi, New Jersey, New York, Pennsylvania, and the District of Columbia, under a continuing contract or contracts with Savannah Foods & Industries, Inc.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115931 (Sub-No. 37), filed March 23, 1976. Applicant: BEE LINE TRANSPORTATION, INC., Box 925, Baker, Mont. 59313. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casual wooden furniture*, in cartons, from the plantsite and warehouse facilities of Halvorsen Lumber Co., located at or near Eureka, Calif., to points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Billings, Mont.

No. MC 117119 (Sub-No. 575), filed March 22, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in

bulk), from the plantsite and storage facilities of the Campbell Soup Company at Salisbury and Pocomoke City, Md., to the plantsite of Campbell Soup Company at Omaha, Nebr., restricted to traffic originating at and destined to said plantsites.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 576), filed March 22, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the plantsites and storage facilities of Pet, Incorporated located at Benton Harbor, Frankfort and Hart, Mich., to points in Oregon and Washington, restricted to traffic originating at the named points and destined to points in the states named.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119619 (Sub-No. 85), filed March 12, 1976. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass glazing units, and materials, equipment and supplies* used in the manufacture and distribution of such commodities (except in bulk), between Webster, Mass., on the one hand, and, on the other, points in and east of Arkansas, Iowa, Louisiana, Minnesota and Missouri.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 119634 (Sub-No. 15), filed March 24, 1976. Applicant: DICK IRVIN INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bags and containers (except in bulk), between points in California, Colorado, Idaho, Illinois, Minnesota, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located in Montana.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Great Falls or Billings, Mont.

No. MC 119657 (Sub-No. 21), filed March 25, 1976. Applicant: GEORGE TRANSIT LINE, INC., 760-746 NE. 47th Place, Des Moines, Iowa 50313. Appli-

cant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and limestone products*, from Fort Dodge, Iowa, to points in Illinois; and (2) *Calcium chloride*, from Midland and Ludington, Mich., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119908 (Sub-No. 33), filed March 22, 1976. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and warehouse facilities of Vanply, Inc. located at or near Many, La., to points in the United States in and east of Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE: Applicant holds contract carrier authority in No. MC 110804 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 120257 (Sub-No. 27), filed March 9, 1976. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo St., Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Rd., Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cast iron pressure pipe valves, hydrants, and hydrant sections*, and (b) *parts, attachments, accessories and supplies* used in connection with the commodities described in (a) above, from the plantsite and storage facilities of Mueller Co., located at or near Chattanooga, Tenn., to points in and west of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 121449 (Sub-No. 2) (Correction), filed November 17, 1975, published in the FEDERAL REGISTER issue of December 24, 1975, republished as corrected this issue. Applicant: CARGO CARRIERS, INC., 2903 Lynwood Road, Lynwood, Calif. 90262. Applicant's representative: Joan L. Sickles (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, malt beverages and brandy*, between points in California and points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota,

Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia, in a non-radial movement, under a continuing contract or contracts with Parrott & Co.

NOTE: The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 121597 (Sub-No. 5) (Correction), filed January 2, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as corrected this issue. Applicant: CHICKASAW MOTOR LINE, INC., 531 Woodycrest Avenue, Nashville, Tenn. 37211. Applicant's representative: Ernest Ferrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and those requiring special equipment) between Nashville, Tenn. and Whiteville, Tenn.: From Nashville, Tenn. over Tennessee Highway 100 to Whiteville, Tenn. and return over the same route, serving no intermediate points.

NOTE: The purpose of this republication is to indicate the restriction as Sub No. 3 in lieu of Sub No. 23 which was published in error. The purpose of this application is to remove a restriction in Sub No. 3 Certificate "The operations authorized herein are restricted against tacking or joinder with any other authority held by carrier so as to provide any service between Memphis, Tenn. and Nashville, Tenn." no additional authority sought. If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 123048 (Sub-No. 338), filed March 22, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by agricultural equipment, industrial equipment, and lawn and leisure products dealers, and manufacturers (except commodities in bulk), between points in the United States including Alaska but excluding Hawaii, restricted to movement from, to, or between the facilities of White Farm Equipment Company, Inc., and its dealers and other retail outlets.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C. and in consolidation with Warren Transport, Inc.

No. MC 123765 (Sub-No. 5) (Correction), filed February 4, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, and republished as corrected this issue. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, Wis. 53204.

Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities manufactured, shipped, or received by Outboard Marine Corporation, its subsidiaries and divisions* (except commodities in bulk), between Milwaukee and Beloit, Wis., and Waukegan and Galesburg, Ill., restricted to traffic originating at and/or destined to, the plantsites, warehouses and distribution facilities of Outboard Marine Corporation, its subsidiaries and divisions.

NOTE: The purpose of this republication is to broadly amend the restriction in the above request for authority. Applicant holds contract carrier authority in MC 6031 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 123807 (Sub-No. 5), filed March 22, 1976. Applicant: RENNOLDS POTTERFIELD, 425 Park Street, Monroe City, Mo. 63456. Applicant's representative: Thomas P. Rose, Jefferson Building (P.O. Box 205), Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and fertilizer materials*; and (2) *liquid fertilizer and fertilizer solutions*, in bulk, in tank vehicles, from Quincy, Ill., to points in Missouri.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, Mo. or Quincy, Ill.

No. MC 124813 (Sub-No. 146), filed March 25, 1976. Applicant: UMTOWN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk replacer*, from Boscobel, Wis., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; and (2) *dry feed ingredients*, from Boscobel, Wis., to points in Missouri, North Dakota and South Dakota.

NOTE: Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or St. Paul, Minn.

No. MC 126241 (Sub-No. 2), filed March 24, 1976. Applicant: PRYOR TRUCKING, INC., 816 Orleans Avenue, Keokuk, Iowa 52632. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, pulpboard and fiberboard products, machinery, materials, and supplies* used in the manufacture of paper and boxes, and *starch and chemicals* used in the manufacture of glue (except commodities in bulk), between Burlington, Iowa, on the one hand, and, on the other, points in Adams,

Hancock, Mercer, Henry and Whiteside Counties, Ill., under a continuing contract, or contracts, with Hoerner Waldorf Corporation.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Des Moines, Iowa.

No. MC 126305 (Sub-No. 78), filed March 18, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highland Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and those points in Louisiana east of the Mississippi River.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 129600 (Sub-No. 24), filed March 15, 1976. Applicant: POLAR TRANSPORT, INC., 176 King Street, P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen donuts*, from Boston, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with Boston Bonnie, Inc., of Boston, Mass.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 129808 (Sub-No. 21), filed March 25, 1976. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 28028, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Home decorating trimmings and accessories*, from Grand Island, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of home decorating trimmings and accessories (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Grand Island, Nebr., restricted to a transportation service to be performed under a continuing contract or contracts with Burwood Industries, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Grand Island, Nebr.

No. MC 133119 (Sub-No. 95), filed March 22, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass beads, glass spheres, glass cullet, and thermo plastic material*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Portal, N. Dak., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, restricted to the transportation of traffic moving in foreign commerce from points in Saskatchewan, Canada.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Minot, N. Dak.

No. MC 133655 (Sub-No. 39), filed March 15, 1976. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies* used in the manufacture and distribution of printed matter (except commodities in bulk), (1) between the plant and warehouse facilities of Henry Wurst, Inc. located at or near North Kansas City, Mo. and the plant and warehouse facilities of the Rigby Corporation located at or near Lenexa, Kans., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming; and (2) between Omaha, Nebr., on the one hand, and, on the other, points in the destination states named in (1) above.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133937 (Sub-No. 16), filed March 8, 1976. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities requiring special equipment, commodities in bulk

and motor vehicles), between Charlotte, N.C., Atlanta, Ga. and Greenville, S.C., on the one hand, and, on the other, Dallas, Ft. Worth, and Houston, Tex., New Orleans, La., St. Louis and Kansas City, Mo., Detroit, Mich., Los Angeles and San Francisco, Calif. and Chicago, Ill., restricted to traffic having a prior or subsequent movement by air or substituted for air service.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 134112 (Sub-No. 3), filed March 8, 1976. Applicant: NATIONAL FREIGHTWAYS, INC., 3204 S. 121st, Omaha, Nebr. 68144. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, chromes, tails, switches, or parts thereof, and collages*, from the plantsite or warehouse facilities utilized by Milocol, Inc. located at or near Bellevue, Nebr., to points in the United States (except Alaska and Hawaii); and (b) *materials, supplies and equipment* used in the manufacture; sale and distribution of the commodities specified in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Milocol, Inc. located at or near Bellevue, Nebr., restricted to a transportation service to be performed under a continuing contract with Milocol, Inc. located at Bellevue, Nebr.

NOTE:—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134453 (Sub-No. 9), filed March 26, 1976. Applicant: STERNLITE TRANSPORTATION CO., - Winsted, Minn. 55359. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and parts and accessories for poles*, from East Stroudsburg, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming, under a continuing contract, or contracts with Union Metal Manufacturing Co.

NOTE:—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 106), filed March 22, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by

the Commission, commodities in bulk and those requiring special equipment), which at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, between the facilities of ABC-Trans National Transport, Inc., located at Chicago, Ill., on the one hand, and, on the other, St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 134734 (Sub-No. 27), filed November 20, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 "L" Street, P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: L. N. Fauss, Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Table sauce* (other than frozen), from Walworth, Wis., to points in Arizona, California, Colorado, Oregon and Washington, under a continuing contract or contracts with Kikkoman Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis. or Chicago, Ill.

No. MC 134755 (Sub-No. 69), filed March 22, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from Huntsville, Ala. and Stone Mountain, Ga., to Los Angeles, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Hartford, Conn.

No. MC 134755 (Sub-No. 70), filed March 22, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Conshohocken, Frazer, Montgomery, and Norristown, Pa., to points in Arizona, Arkansas, California, Colorado, Kentucky, Louisiana, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Kansas City, Mo.

No. MC 134922 (Sub-No. 166), filed March 22, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Clothing articles and compounds* (except in bulk), between Hamilton, Ala., on the one hand, and, on the other, points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Little Rock, Ark.

No. MC 135732 (Sub-No. 17), filed March 25, 1976. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove St., P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanical refrigerated equipment, from the facilities of Flavo-Rite Foods, Inc. located at Ormond Beach, Fla., to points in Connecticut, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, restricted to shipments originating at the above origin and destined to the above destination states.

NOTE.—If a hearing is deemed necessary, the applicant did not specify the location.

No. MC 136166 (Sub-No. 24), filed March 21, 1976. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Burlingame, Calif., to Chicago, Ill.; Dallas, Tex.; Detroit, Mich.; Indianapolis, Ind.; Omaha, Nebr. and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 136766 (Sub-No. 2), filed March 22, 1976. Applicant: CARL DITTFIELD, 33 Drake Street, Hughestown, Pa. 18640. Applicant's representative: Joseph F. Hoary, 121 South Maine Street, Taylor, Pa. 18640. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Shredded polyurethane and shredded paper, paper and paper articles*, from West Pittston, Pa., to Chicago, Ill., Toledo and Cleveland, Ohio, points in New Jersey and New York; (b) *spiral paper board tubes*, from Little Falls, N.J., to West Pittston, Pa.; and (c) *cellophane*, from Brooklyn, N.J., and Linden, N.J., to West Pittston, Pa., under continuing contract, or contracts with Warren Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 136774 (Sub-No. 4), filed March 26, 1976. Applicant: MC-MORHAN TRUCKING CO., INC., P.O. Box 368, Shullsberg, Wis. 53586. Applicant's

representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company, located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136774 (Sub-No. 4), filed March 26, 1976. Applicant: MC-MORHAN TRUCKING CO., INC., P.O. Box 368, Shullsberg, Wis. 53586. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company, located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138274 (Sub-No. 29), filed March 23, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, 2151 N. Redwood Road, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products, and materials and supplies*, used in the manufacture and distribution of bakery products, between Oakland, Calif., on the one hand, and, on the other, points in Arizona, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming; and (2) *articles*, dealt in and distributed by wholesale grocers, from points in California, Idaho, Illinois, Texas, and Utah, to points in Washington.

NOTE.—Applicant holds contract carrier authority in MC 138056 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or San Francisco, Calif.

No. MC 138413 (Sub-No. 5), filed March 1, 1976. Applicant: JOHN TOWNROW, doing business as JOHN TOWNROW TRUCKING, 4290 Elton Street, Baldwin Park, Calif. 91706. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pools, swimming pool supplies, swimming pool equipment, toys, and games*, from Amsterdam and Gloversville, N.Y., to points in Arizona, Cal-

fornia, Nevada, Oregon, Utah, and Washington under a continuing contract or contracts with Coleco Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albany, N.Y., or Los Angeles, Calif.

No. MC 138607 (Sub-No. 6), filed March 26, 1976. Applicant: P & N TRUCK SERVICE, INC., 2821 Orindale Rd., Klamath Falls, Ore. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from points in California, to points in Idaho and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Ore. or Seattle, Wash.

No. MC 138635 (Sub-No. 21), filed March 23, 1976. Applicant: CAROLINA-WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, champagne, and brandy* (except in bulk), in temperature controlled vehicles, from points in California, to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 138464 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 138578 (Sub-No. 6), filed March 19, 1976. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria*, in bags, from points in Jefferson, LaFourche, Iberia, Vermillion, Cameron, St. Mary, and Terrebonne Parishes, La., to points in Cameron and Hidalgo Counties, Tex., under a continuing contract or contracts with Summers Gill Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Houston, Tex.

No. MC 138750 (Sub-No. 7), filed March 22, 1976. Applicant: W. F. BARTHELME, doing business as W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Laurel D. McClellan, 430 North 7th, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, from Miami, Okla., and Springfield and Joplin, Mo., to Emporia, Kans., under a continuing contract or contracts with Denison Hide Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Wichita, Kans., or Tulsa, Okla.

No. MC 138926 (Sub-No. 5), (Correction), filed March 1, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as corrected this issue. Applicant: GENCOM, INC., R.R. No. 4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and urea), between points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under a continuing contract with Black Industries, Inc., of Concordia, Mo.

NOTE.—The purpose of this republication is to correct the requested authority to reflect the name of the contracting shipper, which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Jefferson City, Mo.

No. MC 139113 (Sub-No. 6), filed March 19, 1976. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn, garden and recreation equipment*, from the facilities of Carter Brothers Manufacturing Company, Inc., located approximately four miles south of Brundidge, Ala., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, and Vermont); and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of lawn, garden, and recreation equipment, from points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, and Vermont), to the facilities of Carter Brothers Manufacturing Company, Inc., located approximately four miles south of Brundidge, Ala., restricted to the transportation of traffic under a continuing contract or contracts with Carter Brothers Manufacturing Company, Inc.; and further restricted to the transportation of shipments originating at or destined to the facilities of the named shipper.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montgomery, Ala. or Washington, D.C.

No. MC 139495 (Sub-No. 136), filed March 29, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Hair and skin care products, toilet preparations and equipment, materials, and supplies* used in the distribution thereof (except chemicals and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Van Nuys and Canoga Park, Calif., to points in Colorado, Idaho, Oregon, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139584 (Sub-No. 5) (Amendment), filed June 23, 1975, published in the FEDERAL REGISTER issue of July 31, 1975, republished as amended this issue. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting, ground plastic and plastic pellets and granules* (except commodities in bulk, in tank or hopper type vehicles) between Hazleton, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139958 (Sub-No. 1) (Correction), filed March 4, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, republished as corrected this issue. Applicant: R. T. TRUCK SERVICE, INC., Route No. 1, Hardinsburg, Ky. 40143. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Louisville, Ky., and Scottsburg, Ind.: From Louisville, Ky., over U.S. Highway 31 and Interstate Highway 65 to Scottsburg, Ind. and return over the same route, serving all intermediate points (2) between Louisville, Ky., and Scottsburg, Ind.: From Louisville, Ky., over Indiana Highway 62 to its junction with Indiana Highway 56, thence over Indiana Highway 56 to Scottsburg, Ind., serving all intermediate points and the off-route points of Paynesville, (3) between Louisville, Ky., and the junction of Indiana Highway 56 and Indiana Highway 3 serving all intermediate points: From Louisville over Indiana Highway 62 to its junction with Indiana Highway 3, thence over Indiana Highway 3 to its junction with Indiana Highway 56.

NOTE.—The purpose of this republication is to correct applicant's name. If a hearing

is deemed necessary, the applicant requests it be held at Scottsburg, Ind.

No. MC 140050 (Sub-No. 1), filed March 22, 1976. Applicant: ELVIS A. LONG, doing business as MOTOR DELIVERY SERVICE, P.O. Box 117, Carrollton, Tex. 75006. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, scrap and waste paper and materials, equipment and supplies used in the manufacture thereof (except commodities in bulk)*, between points in Dallas County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, and Oklahoma, under a continuing contract or contracts with Inland Container Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 140563 (Sub-No. 5) filed March 22, 1976. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a Corporation, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper*, in rolls, from the South Carolina Ports Authority located at or near Charleston, S.C., to the plantsite of Treasure Chest Advertising Company, Inc., located at or near Morrow, Ga.

NOTE.—Applicant holds contract carrier authority in MC 138869 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 141071 (Sub-No. 3), filed March 22, 1976. Applicant: LARANETA TRUCKING COMPANY, INC., 870 West 9th Street, San Pedro, Calif. 90730. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Perham, Minn. and Muscatine, Iowa, to Terminal Island, Calif., under a continuing contract, or contracts with Star-Kist Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141150 (Sub-No. 2), filed March 19, 1976. Applicant: ATLAS WAREHOUSING COMPANY, a Corporation, 510 West Kearsley Street, P.O. Box 3551, Flint, Mich. 48506. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing Mich. 48993. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt with by retail stores*, from Flint and Saginaw, Mich., to S. S. Kresge Company stores in Bay, Genesee, Isabella, Lapeer, Macomb, Mid-

land, Oakland, Saginaw, and Shiawassee Counties, Mich., and return of rejected or damaged merchandise, under a continuing contract or contracts with S. S. Kresge Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 141171 (Sub-No. 1), filed February 25, 1976. Applicant: J & G SWARTZ, INC., 3755 Fenwick Drive, Spring Valley, Calif. 92077. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported and domestic processed specialty foods*, packed or unpacked, in straight shipments, or in mixed shipments with commodities exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act, from all imported or domestic food brokers within the city of New York, N.Y., and its Commercial Zone, to Los Angeles and Culver City, Calif., under a continuing contract or contracts with F & M Importing Co., and Bezjian's Grocery Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141198 (Sub-No. 2), filed February 20, 1976. Applicant: RALPH CARESTIA, Route 1, Florence, Colo. 81226. Applicant's representative: Ralph Carestia (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks, from the mine site of Canon Coal Company, approximately 9 miles south of Florence, Colo., to Raton, N. Mex., under a continuing contract or contracts with Canon Coal Company.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 14120 (Sub-No. 1), filed March 22, 1976. Applicant: JOHN H. HETZER, 2101 36th Street, Parkersburg, W. Va. 26101. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery parts for contractors, road building, mining and logging equipment*, between Indianapolis, Ind., on the one hand, and, on the other Belle and Parkersburg, W. Va., under a continuing contract or contracts with Machinery Co., Belle, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va. or Columbus, Ohio.

No. MC 141506 (Sub-No. 1), filed March 22, 1976. Applicant: STEVE COODY TRUCKING, INC., Route 3, Vienna, Ga. 31092. Applicant's representative: T. Baldwin Martin, Sr., 700 Home Federal Building, P.O. Box 4987, Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dolo-*

mitic limestone, in dump type vehicles, from Southern Stone Company located at or near Auburn, Ala., to points in Bleckley, Crisp, Dodge, Dooly, Houston, Lee, Macon, Pulaski, Sumter, Turner, and Wilcox Counties, Ga., under a continuing contract or contracts with Coody Farms and its customers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Atlanta, Ga., or Jacksonville, Fla.

No. MC 141516 (Sub-No. 1) (Correction), filed March 12, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, republished as corrected this issue. Applicant: RICHARD L. HODGES, INCORPORATED, P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal and processed meat and bone meal (in bulk)* from points in Massachusetts to points in Maine.

NOTE.—The purpose of this republication is to correct the applicant's name. If a hearing is deemed necessary, the applicant does not request any specific location.

No. MC 141530 (Sub-No. 2), filed February 23, 1976. Applicant: BROCK'S AUTO PARTS, INC., 2150 East 1st St., Tempe, Ariz. 85281. Applicant's representative: Wayne C. Arnett, 2105 South McClintock Drive, Tempe, Ariz. 85282. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loose, uncrated, used automobile and truck parts*, between points in Arizona, California, Nevada, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 141590 (Sub-No. 2) (Amendment), filed March 4, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as amended this issue. Applicant: NOAH E. FERRIS, doing business as CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, Roanoke, Va. 24019. Applicant's representative: Nancy Pyeatt, 1750 New York Avenue N.W., Suite 210, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from Pulaski, Dublin, and Martinsville, Va., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; and (2) *damaged refused and rejected new furniture and furniture parts*, from points in the named-named destination states to Pulaski, Dublin, and Martinsville, Va., restricted in (1) and (2) to the performance of service under a continuing contract with Coleman Furniture Corporation and Pulaski Furniture Corporation.

NOTE.—The purpose of this application is to indicate applicant's amended requests of authority. If a hearing is deemed necessary,

the applicant requests it be held at either Roanoke, Va. or Washington, D.C.

No. MC 141671 (Sub-No. 1), filed March 18, 1976. Applicant: TESORO TRANSPORTATION COMPANY, 8709 Tesoro Drive, San Antonio, Tex. 78286. Applicant's representative: William L. Weddle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, from points in Lea, Curry, Eddy, Roosevelt, and Chavez Counties, N. Mex., on the one hand, and, on the other, points in that part of Texas south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to Amarillo, Tex., thence south along U.S. Highway 87 to Big Springs, Tex., thence west along U.S. Highway 80 to Pecos, Tex., thence northerly along U.S. Highway 285 to the New Mexico-Texas State line.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio or Houston, Tex.

No. MC 141739 (Sub-No. 2) (Amendment), filed February 9, 1976, published in FEDERAL REGISTER issue of March 18, 1976, and republished as amended this issue. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE, Puyallup, Wash. 98731. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fibre, mineral fibre products, and insulating materials*, from the facilities of U.S. Gypsum Company, at or near Tacoma, Wash., to points in California, Idaho, Montana, Nevada, and Utah and ports of entry on the International Boundary line between the United States and Canada located at points in Idaho, North Dakota, Montana, and Washington, for service to the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, Canada, under a continuing contract or contracts with United States Gypsum Company.

NOTE.—The purposes of this republication are: (1) to indicate applicant seeks additional service to ports of entry located at points in North Dakota; and (2) to indicate the proposed operations will also extend to points in the Provinces of Manitoba and Saskatchewan, Canada. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141803, filed February 17, 1976. Applicant: KENNETH W. FREEMAN, doing business as EAGLE TRANSPORT, P.O. Box 28, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, and commodities in bulk), between points in Alaska on what is com-

monly called the "Southeast Peninsula" which are points south and east of a point at the intersection of the Alaska, Yukon Territory, and Province of British Columbia Boundary lines (except Skaway, Alaska), in non-radial movements.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Haines or Juneau, Alaska.

No. MC 141832, filed February 27, 1976. Applicant: K.I.T. MOTOR EXPRESS, INCORPORATED, 1228 Highland Avenue, Louisville, Ky. 40204. Applicant's representative: W. A. Knight (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, brass, copper, iron or steel articles, paper and other materials and supplies* used in manufacturing electrical transformers or parts, between points in California, Connecticut, Indiana, Illinois, Iowa, Kentucky, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, Salinas, Calif. and Versailles, Ky.; and (2) *transformers, transformer parts, office or plant equipment, material handling equipment, and supplies* used in the sale and distribution of transformers and parts (except Classes A and B explosives, or passengers), between points at or near the plant sites of Kuhlman Electric Company located at or near Salinas, Calif. and Versailles, Ky., on the one hand, and, on the other, plants, warehouses, storage facilities and customer delivery facilities at points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington or Louisville, Ky.

No. MC 141872, filed March 15, 1976. Applicant: MATS, INC., 2810 East 125th Street, Burnsville, Minn. 55337. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Minneapolis-St. Paul International Airport, at Minneapolis, Minn., on the one hand, and, on the other, points in Blue Earth, Nicollet, Rice, Steele, and Waseca Counties, Minn., having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 141893, filed March 17, 1976. Applicant: CLAYTON COURIER SERVICE, INC., 7730 Carondelet, St. Louis, Mo. 63105. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A

and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in St. Louis and St. Louis County, Mo. and points in Madison, Monroe, and St. Clair Counties, Ill., restricted to shipments of 50 pounds or less per package.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Jefferson City, Mo.

No. MC 141894, filed March 11, 1976. Applicant: STEEL, INC., 1500 Coining Drive, Toledo, Ohio 43612. Applicant's representative: Earl N. Merwin, 85 West Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, between Toledo, Ohio, on the one hand, and, on the other, points in Indiana and Michigan, under a continuing contract or contracts with Bleim Steel Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Toledo, Ohio.

No. MC 141896, filed March 15, 1976. Applicant: J. D. McCORKINDALE, doing business as J. D. TRUCKING, 225 South Quince, Escondido, Calif. 92025. Applicant's representative: J. D. McCorkindale (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such farm commodities* as are transported in bulk, in hopper-type vehicles, between points in California and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 141904 (Sub-No. 1), filed March 17, 1976. Applicant: KOEHLER TRANSFER, INCORPORATED, Box 96, Old Route 66, Dwight, Ill. 60420. Applicant's representative: James R. Madler, 1255 N. Sandburg Terrace, No. 1608, Chicago, Ill. 60610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Semi-baked products and materials, equipment and supplies* used in the manufacture, production and distribution of semi-baked products (except in bulk), between Gardner, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Tennessee and Wisconsin, under a continuing contract or contracts with Brownie Special Products Co., Gardner, Ill.

NOTE.—Applicant holds common carrier authority in MC 138552, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 212), filed March 22, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes,

transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between the junction of U.S. Highway 50 and Interstate Highway 79 east of Clarksburg, W. Va. and the junction of U.S. Highway 119 and Interstate Highway 79 north of Clendenin, W. Va., serving all intermediate points; From the junction of U.S. Highway 50 and Interstate Highway 79 over Interstate Highway 79 to junction U.S. Highway 119 and return over the same route; (2) between Weston, W. Va., and the junction of U.S. Highway 33 and Interstate Highway 79 serving all intermediate points: From Weston, W. Va., over U.S. Highway 33 to junction Interstate Highway 79 and return over the same route; (3) between Flatwoods, W. Va. and the junction of unnumbered highway and Interstate Highway 79 serving all intermediate points: From Flatwoods, W. Va. over unnumbered highway to junction Interstate Highway 79 and return over the same route, and (4) between Morgantown, W. Va., and the junction of West Virginia Highway 73 and U.S. Highway 48 serving all intermediate points: From Morgantown over U.S. Highway 119 to junction West Virginia Highway 73, thence over West Virginia Highway 73 to junction U.S. Highway 48, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140991 (Amendment), filed December 22, 1975, published in the FEDERAL REGISTER issue of March 11, 1976, republished as amended this issue. Applicant: UNITED JEWISH ORGANIZATIONS OF WILLIAMSBURG, INC., 545 Bedford Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Brooklyn, N.Y., on the one hand, and, on the other, points in Orange, Rockland, Sullivan, and Ulster Counties, N.Y., restricted to members of organizations or schools that are members of the United Jewish Organizations of Williamsburg, Inc.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary, the applicant request it be held at New York, N.Y.

No. MC 141702 (Amendment), filed January 14, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, republished as amended this issue. Applicant: LEO BEAUREGARD & FILS LTEE, a Corporation, R. R. No. 3, St-Hilaire, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James St. W., Suite 900, Montreal, Province of Quebec, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations. Beginning and ending at

ports in the Province of Quebec, Canada, and extending to points in the United States (except Alaska and Hawaii), through ports of entry on the International Boundary line between the United States and Canada, located at points in New York, Vermont, New Hampshire, and Maine.

NOTE.—The purpose of this republication is to indicate the extent of applicant's requested operations in Canada. If a hearing is deemed necessary, the applicant requests it be held at either Albany or Plattsburgh, N.Y.

No. MC 141729, filed January 19, 1976. Applicant: AUTREY BUS LINES, INC., 726 Sevier Avenue, Knoxville, Tenn. 37920. Applicant's representative: Robert E. Pryor, 707 Gay Street SW., Knoxville, Tenn. 37902. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Passengers and their baggage and express* in the same vehicle with passengers, (1) Between Sevierville, Tenn., and Newport, Tenn.: From Sevierville over Tennessee Highway 35 or U.S. Highway 411 to Newport, and return over the same route, serving all intermediate points; (2) Between Knoxville, Tenn., and Elkmont, Tenn.: From Knoxville over Tennessee Highway 71 or U.S. Highway 441 to Elkmont, and return over the same route, serving all intermediate points; (3) Between Sevierville and the Knox-Sevier County line: From Sevierville over Tennessee Highway 35 or U.S. Highway 411 to the Knox-Sevier County line and return over the same route, serving all intermediate points; (4) Between Sevierville, Tenn., and Junction Tennessee Highway 71 or U.S. Highway 441 with unnumbered highway: From Sevierville over Tennessee Highway 71 or U.S. Highway 441 to junction unnumbered highway known as Old Knoxville-Sevierville Highway, thence over Old Knoxville-Sevierville Highway to Shooks Gap, and return over the same route, serving all intermediate points; and (5) Between Newport, Tenn., and Greenville, Tenn.: From Newport over U.S. Highway 411 to Greenville, and return over the same route; and (b) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, in round-trip sightseeing beginning and ending at Knoxville, Gatlinburg, Sevierville, Pigeon Forge, Greenville, Newport, and Chestnut Hill, Tenn., and extending to points in the United States (except Alaska and Hawaii), through points on the International Boundary line between the United States and Canada located at points in the United States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Nashville or Chattanooga, Tenn., or Atlanta, Ga.

No. MC 141794 (Sub-No. 2), filed March 15, 1976. Applicant: ALADDIN TOURS, INC., P.O. Box 41, 47500 Eldon, Utica, Mich. 48083. Applicant's representative: Robert McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich.

48084. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between points in Lapeer, Macomb, St. Clair, and Genesee Counties, Mich., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pontiac or Flint, Mich.

No. MC 141886 (Sub-No. 1), filed March 22, 1976. Applicant: ACADEMY TOURS & TRAVEL CENTER, INC., 50 Highway 36, Leonardo, N.J. 07737. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between the New York-New Jersey Port Authority Bus Terminal, 40th Street and 8th Avenue, New York, N.Y., and executive offices, warehouse and plant facilities of Hudson Pharmaceutical Corp., 21 Henderson Drive, West Caldwell, N.J., restricted to the transportation of employees of Hudson Pharmaceutical Corp., and further restricted to operations under a continuing contract or contracts with Hudson Pharmaceutical Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J. or New York, N.Y.

WATER CARRIER APPLICATION

No. W 1303, filed March 26, 1976. Applicant: INTERCOASTAL LIQUID BULK CARRIERS, INC., 313 Chestnut Street, Philadelphia, Pa. 19106. Applicant's representative: J. Raymond Clark, 600 New Hampshire Ave., Suite 1150, Washington, D.C. 20037. Authority sought to engage in operation, in interstate or foreign commerce as a common carrier by water in the transportation of liquid commodities in bulk, by self-propelled tanker vessel with supplemental dry cargo capability, between (1) ports and points along the Atlantic Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and ports and points along the Pacific Coast and its tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico.

NOTE.—Applicant has concurrently filed a motion to dismiss for lack of jurisdiction pursuant to Section 303(d) of the Interstate Commerce Act. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

FREIGHT FORWARDER APPLICATIONS

No. FF-367 (Sub-No. 2), filed March 15, 1976. Applicant: FOUR WINDS FORWARDING, INC., 7035 Convoy Court, San Diego, Calif. 92138. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in

interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*; and (b) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. FF-479, filed January 14, 1976. Applicant: ATLAS INTERNATIONAL, LTD., 661 Taylor Street, Washington, D.C. 20017. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., Washington, D.C. 20036. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *Used household goods*, as defined by the Commission, and *unaccompanied baggage*; and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted to the transportation of export-import traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12808. Authority sought for purchase by BN TRANSPORT, INC., 796 South Pearl Street, Galesburg, IL, 61401, of a portion of the operating rights of JOLIET WAREHOUSE AND TRANSFER COMPANY, 12 New Street, Joliet, IL, 61401, and for acquisition by BURLINGTON NORTHERN INC., 176 East Fifth Street, St. Paul, MN., 55101, of control of such rights through the purchase. Applicants' attorneys: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA., 50309 and Carl Steiner, 39 South LaSalle Street, Chicago, IL., 60603. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* over regular routes be-

tween Chicago, Ill., and Joliet, Ill., serving all intermediate points and the off-route points of Rockdale, Lemont, and Coal City, Ill., between junction U.S. Highway 66 and Illinois Highway 7, and Joliet, Ill., serving all intermediate points and the off-route points of Rockdale, Lemont, and Coal City, Ill., with restrictions; *general commodities* with exceptions as a *common carrier* over irregular routes from Joliet to points in Illinois with 50 miles of Joliet, with no transportation for compensation on return except as otherwise authorized. Under a certificate of registration in Docket No. MC-1797 (Sub-No. 4) covering the transportation of general commodities (except that part of Sub 4 authorizing the transportation of machinery, boilers, household and office furniture to or from any point or points with the state of Illinois) as a *common carrier*, in intrastate commerce, within the State of Illinois, Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Indiana, Iowa, Wisconsin, Kansas, Missouri, Montana, North Dakota, Nebraska, Wyoming, Idaho, Washington, Oregon, and Colorado. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-63562 (Sub-No. 54), dir. rel. matter.

No. MC-F-12809. Authority sought for control by RYDER SYSTEM, INC., a non-carrier, 3600 N.W. 82nd Avenue, Miami, FL., 33166, of JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Janesville, WI., 53545. Applicants' attorneys: Walter N. Bieneman, Suite 102, 100 West Long Lake Road, Bloomfield Hills, MI., 48013, and Leonard R. Kofkin, 39 S. LaSalle Street, Chicago, IL., 60603. Operating rights sought to be controlled: *Automobiles, trucks, chassis, and buses*, in initial movements, in truckaway and driveaway service, as a *common carrier* over irregular routes from Janesville, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, *tractors* (not including farm tractors and crawler or track type tractors), initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Montana, Nebraska, North Dakota, and South Dakota, *automobiles, trucks, tractors* (not including farm tractors and crawler or track type tractors), *chassis, and buses*, in secondary movements, in truckaway and driveaway service, between points in Illinois, Indiana, Iowa, and the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin not including points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, *unfinished automobiles, trucks, and chassis*, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin, between points in Illi-

nois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin, not including points from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, *automobile parts*, from Janesville, Wis., to points in Illinois, Indiana, and Iowa.

Vehicle bodies, automobile parts when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays* (except display vehicles), between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin, *automobiles, trucks, chassis, buses, and tractors* (not including farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan, *automobiles, trucks, tractors* (not including farm tractors and crawler or track type tractors), *chassis, and buses*, in secondary movements, in truckaway and driveaway service, and *vehicle bodies, automobile parts* when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays*, between points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan not including points from the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, *automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from the plant sites of the General Motor Corporation at Jackson County, Mo., to points in Minnesota, Wisconsin, Illinois, Iowa, and the Upper Peninsula of Michigan, from Flint and Lansing, Mich., to Janesville, Wis., from Flint and Lansing, Mich., to points in Iowa, Minnesota, and Wisconsin, from Pontiac, Mich., to points in Iowa, Minnesota, and Wisconsin, with restrictions. RYDER SYSTEM, INC., holds no authority from this Commission. However, it is affiliated with (1) COMPLETE AUTO TRANSIT, INC., 18544 W. Eight Mile Rd., Southfield, MI 48075, and (2) M. & G. CONVOY, INC., P.O. Box 104, Buffalo, N.Y. 14210, (1) which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii), and (2) which is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12810. Authority sought for control by VIRGINIA LEE PEARSON, a individual, Route 2 Yates Crossing, Milton, West Virginia, 25541, of (B) CASE DRIVEWAY, INC., 100 22nd Street, Huntington, WV 25714, and (BB) MILLS

TRANSFER CO., 47 Sycamore Street, Gallipolis, OH 45631, and for acquisition by VIRGINIA LEE PEARSON, Milton, West Virginia, 25541, of control of (B) CASE DRIVEWAY, INC., and (BB) MILLS TRANSFER CO., through the acquisition by VIRGINIA LEE PEARSON. Applicants' attorney: John M. Friedman, 2930 Putnam Avenue, Hurricane, West Virginia, 25526. Operating rights sought to be controlled: (B) *Automobiles, trucks, bodies, cabs, chassis, and unfurnished automobiles*, and numerous other specified commodities, as a *common carrier* over irregular routes, from, to, and between specified points in the States of Michigan, Ohio, Indiana, Wyoming, West Virginia, Virginia, North Carolina, Kentucky, Pennsylvania, Iowa, Illinois, Alabama, Arkansas, Oklahoma, Missouri, Kansas, South Dakota, Wisconsin, Georgia, Florida, Louisiana, Texas, Mississippi, Maine, New Hampshire, Vermont, Montana, Minnesota, New York, Arizona, California, Colorado, Nevada, New Mexico, Oregon, Connecticut, Massachusetts, Rhode Island, New Jersey, Nebraska, North Dakota, Utah, Washington, and Idaho, with certain restrictions, as more specifically described in Docket No. MC-17002 and Sub numbers thereunder, and (BB) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier* over irregular routes, from, to, and between specified points in the States of Pennsylvania, Ohio, West Virginia, Illinois, Indiana, Kentucky, Tennessee, and Virginia, with certain restrictions, as more specifically described in Docket No. MC-55777 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. VIRGINIA LEE PEARSON, (an individual), holds no authority from this Commission. However she controls MILLS TRANSFER CO., through ownership of all its outstanding capital stock, and upon approval of this application, will be authorized to acquire control of CASE DRIVEWAY, INC. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12811. Authority sought for purchase by CHICAGO-ST. LOUIS TRANSPORT, INC., 800 Joliet Street, Joliet, IL 60436, of the operating rights of AIRLINE CARTAGE, INC., 1227 Sunnyside Avenue, Chicago Heights, IL, 60411, and for acquisition by HOMEWOOD BEVERAGE CO., INC., 2064 West 47th Street, Markham, IL 60426, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-120569 (Sub-No. 1), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Illinois. Vendee is authorized to operate

as a *common carrier* in Illinois, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

MC-134493 (Sub-No. 2) is a directly related matter.

No. MC-F-12812. Authority sought for purchase by ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, South Dakota, 57104, of the operating rights of NEBRASKA CITY TRANSFER, P.O. Box 532, Nebraska City, Nebraska, 68410, and for acquisition by ALL-AMERICAN TRANSPORT, INC., and H. LAUREN LEWIS, both of Sioux Falls, South Dakota, 57104, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL, 60603. Operating rights sought to be transferred: *General commodities* as a *common carrier* over regular routes, with exceptions between Nebraska City, Nebr., and Omaha, Nebr., serving the intermediate points of Plattsmouth and La Platte, Nebr., and the off-route points of Union, Murray, and Maynard, Nebr., with restrictions; general commodities, with exceptions between Lincoln, Nebr., and Nebraska City, Nebr.; between Nebraska City, Nebr., and Omaha, Nebr., serving the intermediate points of Plattsmouth and La Platte, Nebr., and the off-route points of Union, Murray, and Maynard, Nebr., between Nebraska City, Nebr., and Lincoln, Nebr., serving the intermediate points of Unadilla, Syracuse, and Dunbar, Nebr., and the off-route points of Peru and Julian, Nebr.; *general commodities*, with exceptions as a *common carrier* over irregular routes between points in Cass, Otoe, Johnson, and Nemaha Counties, Nebr., on the one hand, and, on the other, points in that part of Nebraska on and east of Nebraska Highway 61; *paper and paper products* except paper bags and paper containers, from Nebraska City, Nebr., to points in Iowa, Minnesota, Missouri, Nebraska, and South Dakota, with no transportation for compensation on return except as otherwise authorized from Nebraska City, Nebr., to points in Colorado, with restrictions. Vendee is authorized to operate as a *common carrier* in South Dakota, Nebraska, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, Tennessee, Wisconsin, Wyoming, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

DELAWARE OTSEGO CORPORATION, 1 Railroad Avenue, Cooperstown, New York 13326, represented by Mr. Walter Rich, President, Delaware Otsego Corporation, 1 Railroad Avenue, Cooperstown, New York 13326, hereby give notice that on the 29th day of March, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order to acquire and control the Fonda, Johnstown and Gloversville Railroad Company, a railroad which operates from a connection with the Penn Central Transportation Company at Fonda, New York

through the cities of Johnstown and Gloversville, New York, to a terminus in Broadalbin, New York, a distance of 20 miles. The line to be acquired and controlled includes the stations of Fonda, Johnstown, Gloversville, Vail Mills, and Broadalbin, all in New York State. The Delaware Otsego Corporation presently controls the Cooperstown and Charlotte Valley Railway Corporation which operates a line of railroad from Cooperstown Junction to Cooperstown, New York, a distance of 16 miles in Otsego County, New York. This application has been assigned the Finance Docket No. 28155.

In the opinion of the applicant, granting the authority sought in this application would not constitute a major Federal action having a significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

DELAWARE OTSEGO CORPORATION OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212

(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be not significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 30508 (Sub-No. 4), filed March 17, 1976. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Street, Exeter, N.H. 03833. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Haverhill, Mass., and Londonderry, N.H.; From Haverhill over Massachusetts Highway 97 to Salem, N.H., thence over New Hampshire Highway 28 to Londonderry and return over the same route, serving all intermediate points; (2) Between Exeter, N.H., and Londonderry, N.H.; From Exeter, over New Hampshire Highway 111 to its junction with New Hampshire Highway 28, thence over New Hampshire Highway 28 to Londonderry (also from Exeter over New Hampshire Highway 101 to Raymond, thence over New Hampshire Highway 102 to Londonderry), and return over the same route, serving all intermediate points; and (3) Between Exeter, N.H., and Auburn, N.H.; From Exeter over New Hampshire Highway 101 to Auburn and return over the same route, serving all intermediate points.

Note: This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12800 published in the FEDERAL REGISTER issue of April 1, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Manchester, N.H., or Boston, Mass.

No. MC 107615 (Sub-No. 7), filed March 24, 1976. Applicant: UNITED NEWS TRANSPORTATION COMPANY, 850 East Luzerne Street, Philadelphia, Pa. 19124. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New papers, magazines, books, catalogs, pamphlets, periodicals, publications and parts, display stands, new vending machines,

advertising materials, premiums and printing plates, between points in Bergen, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and those in Westchester County, N.Y., on the one hand, and, on the other, points in Rockland, Nassau and Suffolk Counties, N.Y., and those in Delaware, Maryland, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate gateways at New York, N.Y. and Philadelphia, Pa.

Note.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12752 published in the FEDERAL REGISTER issue of February 4, 1976. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108119 (Sub-No. 47), filed January 26, 1976. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Donald A. Morken, 100 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Farm machinery, which because of size or weight, requires special handling or the use of special equipment, or which is a self-propelled article weighing 15,000 pounds or more; and (2) related parts, materials and supplies, when their transportation is incidental to commodities in (1) above, (A) Connecticut: (1) Between points in Connecticut, on the one hand, and, on the other, points in Arizona, California, Colorado, Kansas (points on, north and west of a line extending westerly from the Kansas-Missouri line along Interstate Highway 70 to its junction with the Kansas Turnpike, thence southwesterly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State line, and points in the Kansas City Commercial Zone), Missouri (points in the Kansas City Commercial Zone only), Nebraska, Nevada, New Mexico, Oklahoma (points on, and west of a line extending southerly from the Kansas-Oklahoma State Line along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending southerly from the Oklahoma-Texas State Line along U.S. Highway 283 to its junction with U.S. Highway 80, thence westerly along U.S. Highway 80 to its junction with U.S. Highway 277, thence southwesterly along U.S. Highway 277 to Del Rio, Texas, thence southwesterly along unnumbered highway to the International Boundary with Mexico), Utah and Wyoming; and (2) Between points in Connecticut, on the one hand, and, on the other, points in Kansas not described in Part A, above. The purpose of this filing is to

eliminate the gateways in Pennsylvania, Ohio, and Minnesota.

(B) Delaware: (1) Between points in Delaware, on the one hand, and, on the other, points in Arizona, California, Colorado, Kansas (points on, and west of a line extending southerly from the Kansas-Nebraska State Line along U.S. Highway 77 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with Kansas Highway 140, thence southwesterly along Kansas Highway 140 to its junction with U.S. Highway 156, thence southwesterly along U.S. Highway 156 to its junction with U.S. Highway 56, thence southwesterly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the Oklahoma-Kansas State Line), Nebraska (points on, north and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), Nevada, New Mexico (points on, and west of a line extending from the New Mexico-Texas State Line westerly along U.S. Highway 62 to its junction with New Mexico Highway 18, thence southerly along New Mexico Highway 18 to the New Mexico-Texas State Line), Oklahoma (points on, and west of U.S. Highway 54), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 62, thence southerly along U.S. Highway 62 to the New Mexico-Texas State Line, and also that part of Texas extending southerly from the New Mexico-Texas State Line along Texas Highway 18 to its junction with Texas Highway 115, thence southerly along Texas Highway 115 to its junction with U.S. Highway 80, thence southwesterly along U.S. Highway 80 to its junction with Texas Highway 17, thence southerly along Texas Highway 17 to the International Boundary with Mexico near Presidio, Tex.), Utah and Wyoming; and (2) between points in Delaware, on the one hand, and, on the other, points in Nebraska and New Mexico not described above. The purpose of this filing is to eliminate the gateways in Pennsylvania, Ohio and Minnesota.

(C) MARYLAND: (1) from points in Arizona, California, Nevada, Utah, and Wyoming; to points in Maryland; (2) from points in Colorado, Iowa (points in the Council Bluffs Commercial Zone), Kansas (points on and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with U.S. Highway 83, thence

southerly along U.S. Highway 83 to the Kansas-Oklahoma State Line), Nebraska (points on, north and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), New Mexico (points on, and west of a line extending from the New Mexico-Texas State Line along U.S. Highway 54 to its junction with New Mexico Highway 18, thence southerly along New Mexico Highway 18 to its junction with U.S. Highway 62, thence southwesterly along U.S. Highway 62 to the New Mexico-Texas State Line), Oklahoma (points on, and west of U.S. Highway 54), Texas (points on, and west of U.S. Highway 54, and points on, and west of a line extending from the New Mexico-Texas State Line southerly along U.S. Highway 62 to its junction with Texas Highway 54, thence southerly along Texas Highway 54 to its junction with U.S. Highway 67, thence southerly along U.S. Highway 67 to its end at the International Boundary with Mexico near Presidio, Tex.); to points in Maryland that are on, and east of a line extending from the Maryland-Pennsylvania State Line southerly along Interstate Highway 81 to its junction with U.S. Highway 40, thence southeasterly along U.S. Highway 50 to Baltimore, thence easterly along the southern border of Kent County to the Delaware-Maryland State Line.

(3) From points in Colorado, Iowa (points in the Council Bluffs Commercial Zone), Kansas (points on, and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with U.S. Highway 56, thence westerly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 54, thence southwesterly along U.S. Highway 54 to the Kansas-Oklahoma State Line), Nebraska (points on, north and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Nebraska State Line), New Mexico (points on, and west of a line extending from the New Mexico-Texas State Line along U.S. Highway 70 to its junction with U.S. Highway 285, thence southerly along U.S. Highway 285 to its junction with U.S. Highway 62, thence southerly along U.S. Highway 62 to the New Mexico-Texas State Line), Oklahoma (points on, and west of U.S. Highway 54), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 60, thence southwesterly along U.S. Highway 60 to the New Mexico-Texas State Line and, points on and north of a line extending

from the New Mexico-Texas State Line southwesterly along U.S. Highway 62 to the International Boundary with Mexico near El Paso, Tex.); to points in Maryland that are on, and south of a line extending from the Maryland-West Virginia State Line northerly along Interstate Highway 81 to its junction with U.S. Highway 40, thence easterly along U.S. Highway 40 to Baltimore, thence along the southern boundary of Kent County to the Delaware-Maryland State Line.

(4) From points in Colorado (points on, north and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 36 to its junction with Colorado Highway 71, thence southerly along Colorado Highway 71 to its junction with U.S. Highway 24, thence southwesterly along U.S. Highway 24 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State Line), Iowa (points in Council Bluffs Commercial Zone), Kansas (points on, west and north of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 83 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to the Colorado-Kansas State Line), Nebraska (points on, and north of a line extending from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the Kansas-Nebraska State Line), New Mexico (points on, and west of a line extending from the Colorado-New Mexico State Line southerly along Interstate Highway 25 to its junction with New Mexico Highway 3, thence southerly along New Mexico Highway 3 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), Texas (points in El Paso County only); and to points in Maryland west of Interstate Highway 81, (5) from points in Colorado, Nebraska, and New Mexico not described above to points in Maryland. The purpose of this filing is to eliminate the gateways of Pennsylvania, Ohio, and Minnesota.

(D) MASSACHUSETTS: (1) Between points in Massachusetts, on the one hand, and, on the other, points in Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Utah, and Wyoming; (2) Between points in Massachusetts on and east of a line extending from the Massachusetts-New Hampshire State Line southerly along U.S. Highway 202 to its junction with Massachusetts Highway 2, thence easterly along Massachusetts Highway 2 to its junction with Massachusetts Highway 140, thence southerly along Massachusetts Highway 140 to its junction with Massachusetts Highway 12, thence southerly along Massachusetts Highway 12 to its junction with Massachusetts Highway 122, thence southerly along Massachusetts Highway 122 to its junction with Massachusetts Highway 140, thence south-

easterly along Massachusetts Highway 140 to its junction with Massachusetts Highway 123, thence southwesterly along Massachusetts Highway 123 to the Massachusetts-Rhode Island State Line, on the one hand, and, on the other, points in Iowa (points on, and west of Interstate Highway 35), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line westerly along Kansas Highway 68 to its junction with U.S. Highway 169, thence southerly along U.S. Highway 169 to its junction with Kansas Highway 39, thence southwesterly along Kansas Highway 39 to its junction with U.S. Highway 160, thence westerly along U.S. Highway 160 to its junction with U.S. Highway 77.

Thence southerly along U.S. Highway 77 to the Kansas-Oklahoma State Line), Oklahoma (points on, and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 77 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along Interstate Highway 35 to its junction with U.S. Highway 377, thence southwesterly along U.S. Highway 377 to its junction with Texas Highway 16, thence southerly along Texas Highway 16 to its junction with U.S. Highway 183, thence southeasterly along U.S. Highway 183 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the International Boundary with Mexico, near Laredo, Texas, and also points in the Commercial Zone of Dallas); (3) Between points in Massachusetts west of the area described in (2) above, on the one hand, and, on the other, points in Iowa (points on and west of Interstate 35), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line southwesterly along Interstate Highway 35 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Kansas-Oklahoma State Line), Oklahoma (points on, and west of a line extending from the Kansas-Oklahoma State Line southerly along Interstate Highway 35 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 67, thence southwesterly along U.S. Highway 67 to its junction with U.S. Highway 281, thence southerly along U.S. Highway 281 to its junction with U.S. Highway 183, thence southeasterly along U.S. Highway 183 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 57,

thence westerly along U.S. Highway 57 to the International Boundary with Mexico at Eagle Pass, Tex., and points in the Commercial Zone of Dallas; and (4) Between points in Massachusetts, on the one hand, and, on the other, points in Kansas not described in Part D above. The purpose of this filing is to eliminate the gateways of Pennsylvania, Ohio and Minnesota.

(E) New Jersey: (1) Between points in New Jersey, on the one hand, and, on the other, points in Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Utah, and Wyoming; (2) Between points in New Jersey within the Commercial Zone of New York, on the one hand, and, on the other, points in Iowa (points on, and west of U.S. Highway 71), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line westerly along Interstate Highway 70 to its junction with the Kansas-Turnpike, thence southerly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State Line), Missouri (points in the Kansas City Commercial Zone), Oklahoma (points on, north and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Oklahoma Highway 34, thence southerly along Oklahoma Highway 34 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Oklahoma Highway 9, thence westerly along Oklahoma Highway 9 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line westerly along Texas Highway 203 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to the International Boundary with Mexico near Del Rio, Tex.).

(3) Between points in New Jersey other than those in the Commercial Zone of New York, on the one hand, and, on the other, points in Iowa (points on, and west of U.S. Highway 75), Kansas (points on, west and north of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 75 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with U.S. Highway 56, thence southerly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 54, thence southwesterly along U.S. Highway 54 to

the Kansas-Oklahoma State Line), Nebraska (points on and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 2 to its junction with U.S. Highway 75, thence southerly along U.S. Highway 75 to the Kansas-Nebraska State Line), Oklahoma (points on, and west of U.S. Highway 54), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 62, thence southwesterly along U.S. Highway 62 to the New Mexico-Texas State Line, and also that part of Texas west of a line extending from the New Mexico-Texas State Line southerly along Texas Highway 18 to its junction with Texas Highway 115, thence southerly along Texas Highway 115 to its junction with U.S. Highway 80, thence southwesterly along U.S. Highway 80 to its junction with U.S. Highway 290, thence southeasterly along U.S. Highway 290 to its junction with Texas Highway 17, thence southerly along Texas Highway 17 to the International Boundary with Mexico near Presidio, Tex.).

(4) Between points in New Jersey within the Commercial Zone of New York, on the one hand, and, on the other hand, points in Kansas not described in Part E, (2) above; and (5) Between points in New Jersey, other than those within the Commercial Zone of New York, on the one hand, and, on the other hand, points in Nebraska not described in Part E (3) above. The purpose of this filing is to eliminate the gateways of Pennsylvania, Ohio and Minnesota. (F) New York: (1) Between points in New York, on the one hand, and, on the other hand, points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; (2) Between points in New York on, north and east of a line extending from Lake Ontario easterly along New York Highway 12 to its junction with Interstate Highway 81, thence southerly along Interstate Highway 81 to its junction with New York Highway 5, thence easterly along New York Highway 5 to its junction with U.S. Highway 20, thence easterly along U.S. Highway 20 to its junction with New York Highway 12-B, thence southerly along New York Highway 12-B to its junction with New York Highway 23, thence easterly along New York Highway 23 to the Massachusetts-New York State Line, on the one hand, and, on the other hand, points in Iowa (points on, and west of Interstate Highway 35), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line southwesterly along Interstate Highway 35 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Oklahoma State Line), Missouri (points in the Kansas City Commercial Zone), Nebraska, Oklahoma (points on, and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 177 to its junction with U.S. Highway 70, thence easterly

along U.S. Highway 70 to its junction with U.S. Highway 377, thence southerly along U.S. Highway 377 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 75 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with Interstate Highway 37, thence southeasterly along Interstate Highway 37 to its end at Corpus Christi, Tex.).

(3) Between points in New York on, east and south of a line extending from the New York-Pennsylvania State Line northerly along the western boundary of Delaware and Osego Counties to its junction with New York Highway 23, thence easterly along New York Highway 23 to the Massachusetts-New York State Line, on the one hand, and, on the other hand, points in Iowa (points on, and west of U.S. Highway 59), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line westerly along Interstate Highway 70 to its junction with the Kansas Turnpike, thence southerly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas Oklahoma State Line), Missouri (points in the Kansas City Commercial Zone), Nebraska, Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Oklahoma Highway 34, thence southerly along Oklahoma Highway 34 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Oklahoma Highway 9, thence westerly along Oklahoma Highway 9 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line westerly along Texas Highway 203 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to the International Boundary with Mexico near Del Rio, Tex.).

(4) Between points in New York that lie west of the territory described in paragraphs (2) and (3) above, on the one hand, and, on the other hand, points in Iowa (points on, and west of U.S. Highway 75), Kansas (points on, and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 77 to its junction with U.S. Highway 40, thence westerly along U.S. Highway 40, to its junction with Kansas Highway 140, thence southwesterly along Kansas Highway 140 to its junction with U.S. Highway 156, thence southwesterly along U.S. Highway 156 to its junction with U.S. Highway 56,

thence southwesterly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to the Kansas-Oklahoma State Line), Nebraska (points on, and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 2 to its junction with U.S. Highway 75, thence southerly along U.S. Highway 75 to the Kansas-Nebraska State Line), Oklahoma (points on, and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 283 to its junction with U.S. Highway 66, thence westerly along U.S. Highway 66 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line westerly along U.S. Highway 66 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the International Boundary with Mexico at Laredo, Tex. (5) Between points in New York, on the one hand, and, on the other hand, points in Nebraska not described above; and (6) Between points in New York described in Part F, paragraphs (2) and (3) above, on the one hand, and, on the other hand, points in Kansas not described therein. The purpose of this filing is to eliminate the gateways of Pennsylvania, Ohio and Minnesota.

(G) Pennsylvania: (1) Between points in Pennsylvania on, and west of U.S. Highway 15 on the one hand, and, on the other hand, points in Arizona, California, Nevada, Utah and Wyoming; (2) Between points in Pennsylvania on and west of U.S. Highway 15, which also lie on, east and north of a line extending from the New York-Pennsylvania State Line southerly along U.S. Highway 62 to its junction with U.S. Highway 6, thence southerly along U.S. Highway 6 to its junction with U.S. Highway 219, thence southerly along U.S. Highway 219 to its junction with U.S. Highway 322, thence southeasterly along U.S. Highway 322 to its junction with U.S. Highway 522, thence easterly along U.S. Highway 522 to its junction with U.S. Highway 15, on the one hand, and, on the other hand, points in Colorado, Iowa (points on, and west of U.S. Highway 75), Kansas (points on, north and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 77 to its junction with Kansas Highway 9, thence westerly along Kansas Highway 9 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 281, thence southerly along U.S. Highway 281 to its junction with U.S. Highway 54, thence westerly along U.S. Highway 54 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Kansas-Oklahoma State Line), Nebraska (points on, north and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), New Mexico, Oklahoma (points on, and west of a line extending from the

Kansas-Oklahoma State Line southerly along U.S. Highway 183 to its junction with Oklahoma Highway 15, thence westerly along Oklahoma Highway 15 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 60.

Thence westerly along U.S. Highway 60 to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 60 to its junction with Texas Highway 207, thence southerly along Texas Highway 207 to its junction with Texas Highway 669, thence southerly along Texas Highway 669 to its junction with Texas Highway 33, thence southerly along Texas Highway 33 to its junction with Texas Highway 137, thence southerly along Texas Highway 137 to its junction with Texas Highway 163, thence southerly along Texas Highway 163 to its junction with U.S. Highway 90, thence southerly along U.S. Highway 90 to Del Rio, Tex., thence along unnumbered highway to the International Boundary with Mexico near Del Rio, Tex.); (3) Between points in Pennsylvania on, and west of U.S. Highway 15, not included in (2) above, on the one hand, and, on the other hand, points in Colorado (points on, and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 40 to its junction with U.S. Highway 287, thence southerly along U.S. Highway 287 to its junction with U.S. Highway 50, thence southwesterly along U.S. Highway 50 to its junction with U.S. Highway 350, thence southerly along U.S. Highway 350 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State Line), Iowa (points on, and west of U.S. Highway 75), Kansas (points on, and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 383 to its junction with U.S. Highway 40, thence westerly along U.S. Highway 40 to the Colorado-Kansas State Line), Nebraska (points on, west and north of a line extending from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Kansas-Nebraska State Line), New Mexico (points on, and west of a line extending from the Colorado-New Mexico State Line southerly along U.S. Highway 85 to its junction with U.S. Highway 84, thence southeasterly along U.S. Highway 84 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), and Texas (El Paso County only).

(4) Between points in Pennsylvania on, and west of U.S. Highway 15, on the one hand, and, on the other hand, points in Nebraska not described in Part G, (2) and (3) above; and (4) Between points in Pennsylvania described in Part G, (3) above, on the one hand, and, on

the other hand, points in Colorado and New Mexico not described in Part G (3) above. The purpose of this filing is to eliminate the gateways of Ohio and Minnesota. (H) Rhode Island: (1) Between points in Rhode Island, on the one hand, and, on the other hand, points in Arizona, California, Colorado, Iowa (points on, and west of Interstate Highway 35), Kansas (points on, and west of a line extending from the Kansas-Missouri State Line southerly along U.S. Highway 169 to its junction with Kansas Highway 39, thence westerly along Kansas Highway 39 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with Kansas Highway 99, thence southerly along Kansas Highway 99 to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Kansas-Oklahoma State Line, and including points in the Kansas City Commercial Zone), Nebraska, Nevada, New Mexico, Oklahoma (points on, and west of a line extending from the Kansas-Oklahoma State Line southerly along Interstate Highway 35 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with the H. E. Bailey Turnpike, thence southwesterly along the H. E. Bailey Turnpike to the Oklahoma-Texas State Line), Texas (points on, and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 281 to its junction with U.S. Highway 81, thence southwesterly along U.S. Highway 81 to the International Boundary with Mexico near Laredo, Tex.), Utah, and Wyoming; and (2) Between points in Rhode Island, on the one hand, and, on the other, points in Kansas not described in Part H above. The purpose of this filing is to eliminate the gateways in Pennsylvania, Ohio, and Minnesota.

(I) VIRGINIA: (1) from points on California (points on, and north of a line extending from the Pacific Ocean near Santa Cruz, California northeasterly along California Highway 17 to its junction with Interstate Highway 680, thence northerly along Interstate Highway 680 to its junction with U.S. Highway 50, thence easterly along U.S. Highway 50 to the California-Nevada State Line), and Nevada (points in Douglas, Lyon, Storey and Washoe Counties); to points in Virginia west of a line extending from the Virginia-West Virginia State Line southerly along Virginia Highway 311 to its junction with U.S. Highway 220, thence southerly along U.S. Highway 220 to its junction with Virginia Highway 40, thence easterly along Virginia Highway 40 to its junction with U.S. Highway 29, thence southerly along U.S. Highway 29 to the North Carolina-Virginia State Line, (2) from points in California (points on, north and west of a line extending from the California-Nevada State Line southwesterly along Interstate Highway 15 to its junction with

California Highway 274, thence southerly along California Highway 274 to its junction with California Highway 62, thence southwesterly along California Highway 62 to its junction with Interstate Highway 10 thence westerly along Interstate Highway 10 to its junction with California Highway 111, thence southerly along California Highway 111 to its junction with California Highway 74, thence westerly along California Highway 74 to its junction with California Highway 71, thence southwesterly along California Highway 71 to its junction with U.S. Highway 395, thence southerly along U.S. Highway 395 to the International Boundary with Mexico near San Ysidro, California), Colorado (points on, north and west of a line extending from the Colorado-Nebraska State Line southwesterly along Interstate Highway 80-S to its junction with Interstate Highway 70).

Thence westerly along Interstate Highway 70 to its junction with Colorado Highway 82, thence southerly along Colorado Highway 82 to its junction with Colorado Highway 133, thence southerly along Colorado Highway 133, to its junction with Colorado Highway 92, thence westerly along Colorado Highway 92 to its junction with U.S. Highway 50, thence southerly along U.S. Highway 50 to its junction with Colorado Highway 90, thence southwesterly along Colorado Highway 90 to its junction with Colorado Highway 141, thence southwesterly along Colorado Highway 141 to its junction with U.S. Highway 666, thence westerly along U.S. Highway 666 to the Colorado-Utah State Line), Nebraska (points on, north and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 51 to its junction with U.S. Highway 275, thence westerly along U.S. Highway 275 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 30, thence westerly along U.S. Highway 30 to its junction with U.S. Highway 34, thence southerly along U.S. Highway 34 to its junction with Interstate Highway 80, thence westerly along Interstate Highway 80 to the Colorado-Nebraska State Line), Nevada (points on, north and west of Interstate Highway 15), Utah and Wyoming; to points in Virginia east of the territory described in paragraph (1) above, and west of a line extending from the Virginia-West Virginia State Line southerly along U.S. Highway 522 to its junction with U.S. Highway 33, thence southerly along U.S. Highway 33 to its junction with Interstate Highway 95, thence southerly along Interstate Highway 95 to its junction with Virginia Highway 35, thence southerly along Virginia Highway 35 to its junction with U.S. Highway 58, thence easterly along U.S. Highway 58 to its junction with U.S. Highway 258, thence southerly along U.S. Highway 258 to the North Carolina-Virginia State Line.

(3) From points in Arizona, California, Colorado, Iowa (points on, and west of U.S. Highway 75), Kansas (points on,

north and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with Interstate Highway 70, thence westerly along Interstate Highway 70 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to its junction with U.S. Highway 56, thence southwesterly along U.S. Highway 56 to the Kansas-Oklahoma State Line), Nebraska (points on, north and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), Nevada, New Mexico (points on, north and west of a line extending from the New Mexico-Oklahoma State Line westerly along U.S. Highway 56 to its junction with U.S. Highway 85, thence southerly along U.S. Highway 85 to its junction with New Mexico Highway 90, thence westerly along New Mexico Highway 90 to its junction with Interstate Highway 10, thence westerly along Interstate Highway 10 to the Arizona-New Mexico State Line), Utah and Wyoming; to points in Virginia on and east of the eastern boundary of the territory described in paragraph (2) above. (4) from points in California not described in Part I, paragraph (2); to points in Virginia described in Part I, paragraph (2) above. (5) from points in Nebraska not described in Part I, paragraph (3) above, to points in Virginia described in Part I, paragraph (3) above. The purpose of this filing is to eliminate the gateways of Pennsylvania, Ohio, and Minnesota.

(J) West Virginia: (1) Between points in West Virginia on, north and east of a line extending from the Ohio-West Virginia State Line easterly along U.S. Highway 50 to its junction with West Virginia Highway 18, thence southerly along West Virginia Highway 18 and unnumbered road to its junction with U.S. Highway 33 at Camden, thence easterly along U.S. Highway 33 to its junction with U.S. Highway 250, thence southeasterly along U.S. Highway 250 to the Virginia-West Virginia State Line, on the one hand, and, on the other hand, points in Arizona, California, Colorado (points on, north and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 36 to its junction with Colorado Highway 71, thence southerly along Colorado Highway 71 to its junction with U.S. Highway 24, thence southwesterly along U.S. Highway 24 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State Line), Iowa (points on, and west of U.S. Highway 75), Nebraska (points on, and north of a line extend-

ing from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 6.

Thence westerly along U.S. Highway 6 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the Kansas-Nebraska State Line), Nevada, New Mexico (points on, and west of a line extending from the Colorado-New Mexico State Line southerly along Interstate Highway 25 to its junction with New Mexico Highway 3, thence southerly along New Mexico Highway 3 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), Texas, (points in El Paso County only), Utah, and Wyoming; (2) Between points in West Virginia south of the territory described in (1) above, on the one hand, and, on the other hand, points in Arizona (points on, and west of a line extending from the Arizona-Utah State Line southerly along U.S. Highway 163 to its junction with U.S. Highway 160, thence southwesterly along U.S. Highway 160 to its junction with U.S. Highway 89, thence southerly along U.S. Highway 89 to its junction with U.S. Highway 66, thence easterly along U.S. Highway 66 to its junction with Arizona Highway 99, thence southerly along Arizona Highway 99 to its junction with Arizona Highway 288, thence southerly along Arizona Highway 288 to its junction with Arizona Highway 88, thence southerly along Arizona Highway 88 to its junction with Arizona Highway 77, thence southerly along Arizona Highway 77 to its junction with U.S. Highway 89, thence southerly along U.S. Highway 89 to the International Boundary with Mexico near Nogales, Arizona), California, Colorado (points on, north and west of a line extending from the Colorado-Nebraska State Line westerly along Interstate Highway 80-S to its junction with U.S. Highway 6.

Thence westerly along U.S. Highway 6 to its junction with Colorado Highway 82, thence southerly along Colorado Highway 82 to its junction with Colorado Highway 133, thence southerly along Colorado Highway 133 to its junction with Colorado Highway 92, thence westerly along Colorado Highway 92 to its junction with U.S. Highway 550, thence southerly along U.S. Highway 550 to its junction with Colorado Highway 90, thence southwesterly along Colorado Highway 90 to its junction with Colorado Highway 141, thence southwesterly along Colorado Highway 141 to its junction with U.S. Highway 666, thence westerly along U.S. Highway 666 to the Colorado-Utah State Line), Iowa (points on, and west of U.S. Highway 75), Nebraska (points on, and north of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 92 to its junction with U.S. Highway 30, thence southwesterly along U.S. Highway 30 to its junction with U.S. Highway 34, thence southerly along U.S. Highway 34 to its junction with Interstate Highway 80, thence westerly along Interstate Highway 80 to the Colorado-Nebraska State

Line), Nevada (points on, and west of a line extending from the Colorado-Utah State Line westerly along U.S. Highway 666 to its junction with U.S. Highway 163, thence southwesterly along U.S. Highway 163 to the Arizona-Utah State Line), and Wyoming; (3) Between points in West Virginia described in Part J, (1) above, on the one hand, and, on the other hand, points in Colorado, Nebraska, and New Mexico not described in Part J (1) above; and

(4) Between points in West Virginia described in Part J, paragraph (2) above, on the one hand, and, on the other hand, points in Arizona, Nebraska, and Utah not described in Part J (2) above. The purpose of this filing is to eliminate the gateways of Ohio and Minnesota.

NOTE.—The purpose of this application is to eliminate gateways. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12642 published in the Federal Register issue of October 30, 1975. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

MOTOR CARRIER ALTERATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR §1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR §1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 5888 (Deviation No. 6), MID-AMERICAN LINES, INC., 127 W. 10th St., Kansas City, Mo. 64105, filed April 5, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 38 and 43, over Illinois Highway 43 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Interstate Highway 70, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction of Illinois Highways 38 and 43 over Illinois Highway 38

(formerly Alternate U.S. Highway 30) to junction Illinois Highway 2 (part of which was formerly Alternate U.S. Highway 30) thence over Illinois Highway 2 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 149 (at Cedar Rapids, Iowa), thence over Iowa Highway 149 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 67, and return over the same route.

No. MC 10343 (Deviation No. 22), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601, filed April 6, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 (using portions of U.S. Highway 66 where Interstate Highway 55 is not completed) to junction Illinois Highway 59, thence over Illinois Highway 59 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Farnsworth Ave., thence over Farnsworth Ave., to Aurora, Ill., and (2) From St. Louis, Mo., over Interstate Highway 55 (using portions of U.S. Highway 66 where Interstate Highway 55 is not completed) to Chicago, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and return over the same route.

No. MC 33641 (Deviation No. 110), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed April 5 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Pennsylvania Highway 33, thence over Pennsylvania Highway 33 to junction Interstate Highway 80, thence over Interstate Highway 80 to E. Stroudsburg, Pa., thence over U.S. Highway 209 to junction Interstate Highway 84 near Port Jervis, N.Y., thence over Interstate Highway 84 to Hartford, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Harrisburg, Pa., over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn.,

thence over U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC 109533 (Deviation No. 11), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209, filed March 30, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Lexington, Ky., over Interstate Highway 64 to Charleston, W. Va., thence over U.S. Highway 119 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 48 near Morgantown, W. Va., thence over U.S. Highway 48 to Cumberland, Md., thence over U.S. Highway 40 to junction Interstate Highway 70 (near Hancock, Md.) thence over Interstate Highway 70 to Baltimore, Md., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lexington, Ky., over U.S. Highway 60 to Winchester, Ky., thence over Kentucky Highway 15 to Whitesburg, Ky., thence over U.S. Highway 119 to Jenkins, Ky., thence over U.S. Highway 23 to Norton, Va., thence over U.S. Alternate Highway 58 to junction Virginia Highway 71, thence over Virginia Highway 71 to junction U.S. Highway 19, thence over U.S. Highway 19 to Abingdon, Va., thence over U.S. Highway 11 to Lexington, Va., thence over Interstate Highway 81 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 109533 (Deviation No. 10), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209, filed March 30, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to Charleston, W. Va., thence over U.S. Highway 119 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 48 (near Morgantown, W. Va.), thence over U.S. Highway 48 to Cumberland, Md., thence over U.S. Highway 40 to junction Interstate Highway 70 (near Hancock, Md.), thence over Interstate Highway 70 to Baltimore, Md., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway

25, thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25E to Morristown, Tenn., thence over U.S. Highway 11-E to Bristol, Va., thence over U.S. Highway 11 to Lexington, Va., thence over Interstate Highway 81 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 115093 (Deviation No. 42), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed October 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Clarksville, Va., over U.S. Highway 58 to junction U.S. Highway 1, thence over U.S. Highway 1 to South Hill, Va., thence over Interstate Highway 85 to Petersburg, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., (2) From Harrisburg, Pa., over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, N.C., and (3) From Roanoke, Va., over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the

manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 706) (Cancels Deviation No. 47), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed April 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Chicago, Ill., over Interstate Highway 94 to junction U.S. Highway 41, just south of the Wisconsin-Illinois State Line, with the following access routes: (1) From junction Interstate Highway 94 and Illinois Highway 58, over Illinois Highway 58 to junction U.S. Highway 41 at Skokie, Ill., (2) From junction Interstate Highway 94 and Illinois Highway 68, over Illinois Highway 68 to junction U.S. Highway 41 at Northbrook, Ill., and (3) From junction Interstate Highway 94 and Illinois Highway 132, over Illinois Highway 132 to junction U.S. Highway 41 at Gurnee, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers the same property, over a pertinent service route as follows: From the Wisconsin-Illinois State line, over U.S. Highway 41 (segments of which have also been designated as Interstate Highway 94) to Chicago, Ill., and return over the same route.

No. MC 2908 (Deviation No. 4), CAPITAL MOTOR LINES, 520 N. Court St., P.O. Box 1427, Montgomery, Ala. 36102, filed April 8, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Montgomery, Ala., over Interstate Highway 85 to junction Alabama Highway 186 (known as Wire Road) northeast of Tuskegee, Ala., thence over Alabama Highway 186 to junction U.S. Highway 80, 7 miles east of Tuskegee, Ala., thence over U.S. Highway 80 to Phenix City, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 231 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Alabama Highway 26, thence over Alabama Highway 26 to Seale, Ala., thence over U.S. Highway 431 to Phenix City, Ala., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the interstate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 76-72-MF/O, filed March 19, 1976. Applicant: JACK L. YOUNG, doing business as KOTZEBUE FREIGHT SERVICE, P.O. Box 45, Kotzebue, Alaska 99752. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of freight from airports and marine docks and on highways. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Department of Commerce and Economic Development, Alaska Transportation Commission, 1000 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

Alaska Docket No. 76-73-MP/O, filed March 19, 1976. Applicant: JACK L. YOUNG, doing business as KOTZEBUE TRANSIT SYSTEM, P.O. Box 45, Kotzebue, Alaska 99752. Certificate of Public Convenience and Necessity sought to operate a bus service as follows: Transportation of *passengers*, by bus and limousine service, sightseeing and charter, throughout the metropolitan area of Kotzebue, Alaska. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not fixed. Requests for procedural information should be addressed to the Department of Commerce & Economic Development, Alaska Transportation Commission, 1000 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 760237-CCT, filed March 30, 1976. Applicant: FLAMINGO TRANSPORTATION, INC., P.O. Box 480967, Miami, Fla. 33148. Applicant's representative: Richard B. Austin, Ste. 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Certificate of Public Convenience and Necessity sought to operate a freight service as a *motor common carrier*, over irregular routes, of *General commodities* (excluding household goods as defined by the Commission,

articles of unusual value or injurious of other ladings, commodities in bulk and commodities which, by reason of size, weight or bulk, require specialized handling and equipment), between all points and places in Broward, Dade, Indian River, Martin, Palm Beach, and St. Lucie Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarder. Applicant presently holds Interstate Commerce Commission authority in MC 133975. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC-104 (Sub-No. 3), filed April 1, 1976. Applicant: MURFREESBORO FREIGHT LINE CO., INC., P.O. Box 1113, Murfreesboro, Tenn. 37130. Applicant's representative: Val Sanford, Twenty-third Floor, Life & Casualty Tower, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Memphis, Tenn. and Nashville, Tenn. by removing the restriction presently contained in Certificate No. 446-D, which authorizes service between Memphis, and Nashville, Tenn. over Interstate Highway 40, and return over the same route, serving no intermediate points: To be used in conjunction with applicant's existing authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for June 7, 1976, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Room C1-102, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11556 Filed 4-21-76; 8:45 am]

[Rule 19; Ex Parte No. 241, 12th Rev. Exemption No. 10]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other

carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company Reporting Marks: ATSF
Atlanta and Saint Andrews Bay Railway Company Reporting Marks: ASAB
Bangor and Aroostook Railroad Company Reporting Marks: BAR
Bessemer and Lake Erie Railroad Company Reporting Marks: BLE
Chicago, Rock Island and Pacific Railroad Company Reporting Marks: RI-ROCK
Chicago, West Pullman & Southern Railroad Company Reporting Marks: CWP
The Denver and Rio Grande Western Railroad Company Reporting Marks: DRGW
Illinois Terminal Railroad Company Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company Reporting Marks: LNAO
Missouri-Kansas-Texas Railroad Company Reporting Marks: MKT
Missouri Pacific Railroad Company Reporting Marks: CEI-MI-MP-TP
Southern Railway Company Reporting Marks: CG-NS-SA-SOU
St. Louis-San Francisco Railway Company Reporting Marks: SLSF

Effective 12:01 a.m., April 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 9, 1976.

[SEAL] INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-11711 Filed 4-21-76; 8:45 am]

[Rule 19; Ex Parte No. 241, Exemption No. 123]

SOUTHERN RAILWAY CO.

Exemption Under Provision of Mandatory Car Service Rules

TO ALL RAILROADS:

It appearing, That the Southern Railway Company (SOU) owns numerous plain flat cars; that under present conditions there are substantial surpluses of these cars on the SOU; that return of these cars to the SOU would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owner; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain flat cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FM", and having less than 200,000 lbs. carrying capacity, and bearing reporting marks named below, shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

AEC-CG-NS-SOU-TA&G

Effective April 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 9, 1976.

[SEAL] INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-11710 Filed 4-21-76; 8:45 am]

[Amtd. No. 4 to I.C.C. Order No. 145 under Revised S.O. No. 994]

REROUTING TRAFFIC

TO ALL RAILROADS:

Upon further consideration of I.C.C. Order No. 145 (RI and FWD), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 145 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 15, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 8, 1976.

[SEAL] INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-11708 Filed 4-21-76; 8:45 am]

[I.C.C. Order No. 165 under Revised S.O. No. 994]

REROUTING TRAFFIC

TO ALL RAILROADS:

In the opinion of Lewis R. Teeple, Agent, The Detroit and Toledo Shore Line Railroad Company is unable to transport traffic over its line because of a strike of certain of its employees.

It is ordered, That:

(a) The Detroit and Toledo Shore Line Railroad Company being unable to trans-

port traffic over its line because of a strike of certain of its employees, that line and its connections, are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due

to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., April 9, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 19, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

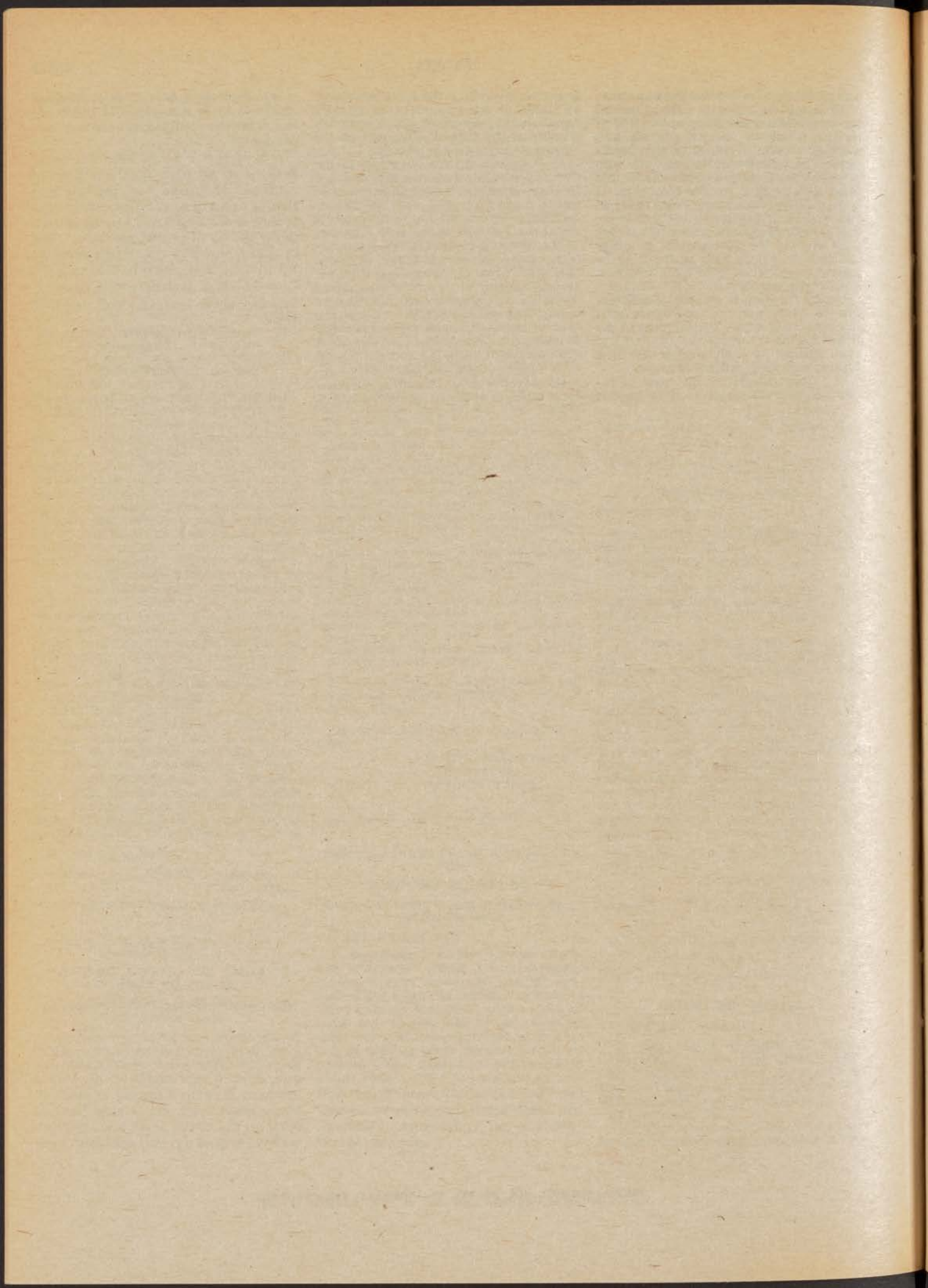
Issued at Washington, D.C., April 9, 1976.

INTERSTATE COMMERCE
COMMISSION,

[SEAL]

LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-11709 Filed 4-21-76; 8:45 am]



federal register

THURSDAY, APRIL 22, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary
for Housing Management**



TENANT EVICTIONS

**Proposed Procedures for Subsidized and
HUD-Owned Projects**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 450]

[Docket No. R-76-386]

TENANT EVICTIONS

Proposed Procedures for Subsidized and HUD-Owned Projects

Notice is hereby given that the Department proposes to amend Chapter IV of Title 24 of the Code of Federal Regulations by adding a new Subchapter J, "Tenant Eviction Procedures," a new Part 450, "Evictions from Subsidized Projects and HUD-owned Projects," Subpart A, "Subsidized Projects" and Subpart B, "HUD-Owned Projects."

Subpart A would assure that tenants in subsidized multifamily projects can only be evicted for certain reasons and would require that these reasons be specified in a notice to the tenant. This subpart covers multifamily housing projects (with the exception of cooperatives) which receive the benefit of subsidy as defined herein. The following forms of subsidy are covered: (1) Below-market interest rates pursuant to section 221 (d) (3) and (5) of the National Housing Act; (2) Interest reduction payments under section 236 of the National Housing Act; (3) Rent Supplements under section 101 of the Housing and Urban Development Act of 1965; (4) Direct loans pursuant to section 202 of the Housing Act of 1959; (5) Payments under the Section 23 Housing Assistance Payments Program pursuant to section 23 of the United States Housing Act of 1937 (USHA) prior to amendment by the Housing and Community Development Act of 1974 (HCD Act), or (6) Payments under the Section 8 Housing Assistance Payments Program pursuant to section 8 of the USHA after amendment by the HCD Act unless the project is owned by a Public Housing Agency.

Section 8 projects owned by a Public Housing Agency are not covered because the provisions of 24 CFR Part 866, "Lease and Grievance Procedures," apply.

Since this subpart would cover both non-insured, subsidized projects as well as insured, subsidized projects, the comments of state agencies with non-insured projects are particularly invited.

The new part is being proposed in order to bring the Department's requirements in harmony with an increasing body of court decisions holding that landlords operating subsidized projects may not act arbitrarily in evicting tenants and that tenants are entitled to due process in connection with such evictions.

Under the requirements proposed in Subpart A, landlords could not act arbitrarily in terminating a lease at the end of the initial term or any successive term. A termination by the landlord would have to be based upon specified substantial violations of the lease or other specified reasons amounting to good cause. This requirement, it is believed, will af-

ford tenants who may wish to contest evictions the right in all jurisdictions to due process hearings in state courts. If members of the public have reasons to believe that, notwithstanding the issuance of this subpart, courts in any state will not provide tenants with hearings conforming with due process standards, they are encouraged to include this information together with any supporting legal documentation in their comments filed with the Rules Docket Clerk.

It should be noted, however, that the applicability of Subpart A to the Section 23 and Section 8 Housing Assistance Payments Programs for Existing Housing, is limited to the termination of occupancy by the landlord prior to the end of a term and any eviction pursuant to such termination.

While the primary purpose of Subpart A would be to provide a uniform basis for judicial proceedings containing the elements of due process, the subpart also would contain provisions under which a tenant who wishes to present the landlord his objections to a proposed eviction would be assured of an opportunity to do so, either in writing or, if desired, at a meeting. The meeting contemplated by these provisions would be an informal discussion rather than a formal hearing, since it is not intended that the meeting itself would necessarily provide all the elements of due process which, as explained above, could be satisfied in a court proceeding. The purpose of the provision, which would allow the tenant to present his objections at a meeting and/or in writing, is simply to encourage informal resolution of disputes that might otherwise be brought to court.

Subpart B would apply to tenants residing in any multifamily project owned by the Department of Housing and Urban Development, regardless of whether the project was originally subsidized. It would provide these tenants with the same protection which Subpart A would provide to tenants residing in subsidized projects.

Interested persons are invited to submit written comments, suggestions or data regarding the proposed regulations to the Rules Docket Clerk, Room 10245, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should have reference to the above docket number and title. All relevant material received on or before May 24, 1976, will be considered before adoption of the final rule. A copy of each communication submitted will be available for public inspection during business hours at the above address.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection at the above address.

Accordingly, the Department proposes to amend Chapter IV of Title 24 by adding a Subchapter J, Part 450 to read as follows:

SUBCHAPTER J—TENANT EVICTION PROCEDURES

PART 450—EVICTIONS FROM SUBSIDIZED PROJECTS AND HUD-OWNED PROJECTS

Subpart A—Subsidized Projects

- | | |
|-------|---|
| Sec. | |
| 450.1 | Applicability. |
| 450.2 | Definitions. |
| 450.3 | Entitlement of Tenants to Occupancy. |
| 450.4 | Administrative Procedure Prior to Initiation of Judicial Proceeding to Evict. |
| 450.5 | Limited Applicability to Section 23 and Section 8 Housing Assistance Programs—Existing Housing. |
| 450.6 | Inapplicability to Substantial Rehabilitation or Demolition. |
| 450.7 | State and Local Law. |

Subpart B—HUD-Owned Projects

- | | |
|--------|---|
| 450.8 | Incorporation by Reference. |
| 450.9 | Applicability of Procedure. |
| 450.10 | Inapplicability to Substantial Rehabilitation or Demolition; Right of Disposition Unimpaired. |

AUTHORITY: Section 211 of the National Housing Act, 52 Stat. 23, as amended (12 U.S.C. 1715b).

Subpart A—Subsidized Projects

§ 450.1 Applicability.

Except as provided in §§ 450.5, 450.6 and 450.7, the provision of this subpart apply to all decisions by a landlord to terminate the occupancy of a tenant in a subsidized project as defined in this subpart.

§ 450.2 Definitions.

(a) "Eviction" means the dispossession of the tenant from the leased unit as a result of the termination of the lease either prior to the end of a term, or at the end of a term.

(b) "Landlord" means either the owner of the property or his representative, or the managing agent or his representative, as shall be designated by the owner.

(c) "Subsidized project" means a multifamily housing project (with the exception of a project owned by a cooperative housing mortgagor corporation or association) which receives the benefit of subsidy in the form of (1) below-market interest rates pursuant to section 221(d) (3) and (5) or interest reduction payments pursuant to section 236 of the National Housing Act, or (2) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965, or (3) direct loans pursuant to section 202 of the Housing Act of 1959, or (4) payments under the Section 23 Housing Assistance Payments Program pursuant to section 23 of the United States Housing Act of 1937 (USHA) prior to amendment by the Housing and Community Development Act of 1974 (HCD Act), or (5) payments under the Section 8 Housing Assistance Payments Program pursuant to section 8 of the USHA after amendment by the HCD Act unless the project is owned by a Public Housing Agency.

§ 450.3 Entitlement of Tenants to Occupancy.

(a) Termination of occupancy prior to the end of a term. The landlord may not terminate occupancy of any tenant residing in a subsidized project prior to the end of the term except where the tenant has substantially failed to comply with the provisions of the lease agreement.

(b) Termination of occupancy at the end of a term. The landlord may not terminate the occupancy of any tenant residing in a subsidized project at the end of the initial term or any successive term, except where the tenant has substantially failed to comply with the provisions of the lease agreement or the landlord has determined that other good cause exists for such termination. Notwithstanding the limitation of this subsection, the landlord may, with the prior approval of HUD, modify the terms and conditions of the lease agreement, at the end of the initial term or any successive term by giving 30 days written notice to the tenant. Provided, That any increase in rent shall in all cases be governed by applicable HUD regulations. Said notice shall include the tender of an addendum to be made a part of the lease agreement or of a new lease agreement containing the modified terms and conditions. The tenant is presumed to accept the modified terms and conditions unless he advises the landlord in writing within 10 days of receipt of the landlord's notice that he intends to vacate the premises at the expiration of the current term.

(c) Lease agreement superseded. The provisions of this subpart shall be applicable to all leases of units in subsidized projects, including those executed before the effective date of this subpart, notwithstanding any contrary provision of the leases.

§ 450.4 Administrative Procedure Prior to Initiation of Judicial Proceeding to Evict.

(a) Judicial action. The landlord shall not institute an action in any court to evict a tenant from a subsidized project until the administrative procedures under this subsection have been fully complied with. In any judicial proceeding to evict the tenant, the landlord may not rely on (1) any lease provision wherein the tenant agrees to waive any provision of state law applicable to evictions, or (2) any grounds which are different from the reasons set forth in the termination notice served on the tenant pursuant to this subpart. Provided, That the landlord shall not be precluded from relying on grounds of which he had no knowledge at the time the termination notice was sent.

(b) Termination Notice. Prior to instituting any judicial action to evict a tenant, the landlord shall notify the tenant in writing that the occupancy is terminated (1) prior to the end of the term or at the end of a term because of a substantial breach in the provisions of the lease agreement or, (2) at the end of a term, for good cause, as the case may be. This notice shall (1) direct that the ten-

ant vacate on a date specified; (2) state the reasons why the tenant's occupancy is being terminated with enough specificity so as to enable the tenant to make an informed response; (3) be served on the tenant either personally or by registered or certified mail, return receipt requested; and (4) shall be substantially in accordance with the form of letter in Appendix 1. The notice shall be served on the tenant at least 30 days prior to the date on which the premises are to be vacated. Provided, That this notice period may be reduced as follows:

(1) 14 days in any case of failure to pay rent; and

(2) A reasonable time commensurate with the exigencies of the situation in the case of conduct which constitutes a threat to the health or safety of any person in or around the subsidized project.

The conduct of the tenant cannot be deemed good cause justifying termination of occupancy unless the landlord has given the tenant prior actual or constructive notice (e.g. by the posting of notices at reasonable places) that said conduct shall henceforth constitute a basis for termination of occupancy.

(c) Tenant objection. Upon receipt of the landlord's termination notice as provided for in subsection (b) of this section, the tenant may object to the landlord's determination by the submission of written comments to the landlord or by appearing in person, or both, in accordance with the procedure in this section. No later than 10 days after the tenant has received notification of the landlord's termination notice, the tenant shall either submit written comments to the landlord or advise the landlord in writing that he requests a meeting, or both. This time period may be reduced to 5 days where the termination is based on conduct by the tenant or his family which constitutes a substantial threat to the health or safety of any person. If the tenant requests a meeting, the landlord shall arrange a meeting promptly and at the mutual convenience of the tenant and the landlord, at which time the tenant may raise any and all objections that he has to the landlord's decision to evict. If the tenant does not object to the landlord's notice of termination in accordance with this subsection, the landlord's decision shall be deemed to be final and the termination notice provided for in § 450.4(b) of this subpart shall be deemed a final notice as of the date of service. However, the failure of the tenant to object to the landlord's termination notice shall not constitute a waiver by the tenant of his rights thereafter to contest the landlord's action in an appropriate judicial proceeding.

(d) Landlord's Final Determination. The landlord shall notify the tenant of his decision in writing within 10 days after the meeting or submission of written comments, whichever is later. This notification shall be either delivered personally to the tenant or sent by registered or certified mail, return receipt requested. If the decision of the landlord is adverse to the tenant, the landlord's final determination shall notify the tenant that the occupancy is terminated and

the date on which possession should be surrendered. This date shall be no earlier than the date specified in the termination notice provided for by § 450.4(b) of this subpart, or 15 days after receipt by the tenant of the landlord's final determination, whichever is later. Provided, That the latter time period may be reduced where termination is based on conduct by the tenant or his family which constitutes a substantial threat to the health or safety of any person. A decision by the landlord which is adverse to the tenant shall not constitute a waiver or affect in any manner the rights of the tenant in any judicial proceeding.

(e) Termination by Tenant. The administrative procedure of this section does not apply in any case in which the tenant has given written notice of termination of the lease or in which the landlord has modified the terms and conditions of the lease in accordance with § 450.3(b) of this subpart and the tenant has advised the landlord in writing that he rejects the modified terms and conditions.

§ 450.5 Limited Applicability to Section 23 and Section 8 Housing Assistance Payments Programs—Existing Housing.

Subject to § 450.2(c), the applicability of this subpart to the Section 23 Housing Assistance Payments Program—Existing Housing and the Section 8 Housing Assistance Payments Program—Existing Housing is limited to the termination of occupancy by the landlord prior to the end of a term and any eviction pursuant to such termination.

§ 450.6 Inapplicability to Substantial Rehabilitation or Demolition.

This subpart shall not apply in any case in which the landlord terminates the occupancy of a tenant as a direct result of a determination, concurred in by HUD, to substantially rehabilitate or demolish the project or to dispose of the project to a purchaser who purchases for the purpose of substantial rehabilitation or demolition.

§ 450.7 State and Local Law.

It is not the intention of this Part to preclude a tenant from relying on state or local law governing evictions where such law is inconsistent with the provisions in this part. Provided, That a tenant may not rely on any provision of state or local law which has been preempted pursuant to 24 CFR Part 403 or other action of the United States.

Subpart B—HUD-Owned Projects

§ 450.8 Incorporation by Reference.

All of the provisions of Subpart A of this part covering certain multifamily projects (excepting §§ 450.5 and 450.6) apply with full force to the property described in § 450.9 and they are hereby incorporated by reference.

§ 450.9 Applicability of Procedures.

The procedures outlined in this subpart apply to all decisions to terminate the occupancy of a tenant by the termination of a lease prior to the end of its

term or at the end of a term where the tenant resides in any multifamily project which is presently owned by HUD, regardless of whether said project was a subsidized project prior to the acquisition of title by HUD.

§ 450.10 Inapplicability to Substantial Rehabilitation or Demolition; Right of Disposition Unimpaired.

This subpart shall not apply in any case in which HUD terminates the occupancy of a tenant as a direct result of a determination by HUD to substantially rehabilitate or demolish the project or to dispose of the project to a purchaser who purchases for the purpose of substantial rehabilitation or demolition. Nothing in this subpart should be construed to affect in any way the right of HUD to exercise its full statutory authority and discretion to dispose of property acquired pursuant to the National Housing Act.

Issued at Washington, D.C. April 15, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed

regulation have been carefully evaluated in accordance with OMB Circular A-107.

JAMES L. YOUNG,
Assistant Secretary
for Housing Management.

APPENDIX 1

NOTIFICATION OF TERMINATION OF LEASE
(NAME AND ADDRESS OF LANDLORD OR MANAGING AGENT)

To:

Subject: (Identify Project and Unit)

1. This is to advise you that your lease for the above premises is hereby terminated [because of a substantial breach of the provisions of the lease agreement] [for good cause]. This termination will be effective as (date)

of _____ and you are directed to move from the premises on or before that date.

2. The following are the reasons for these actions: (specify)

3. If you desire to object to this action, you have the right under the regulations of the Department of Housing and Urban Development, 24 CFR Part 450, to submit written comments or meet with a representative of the landlord, or both. If you decide to object to this action, the following steps must be followed:

a. Within 10 days¹ of the receipt of this letter, you must either submit to this office written comments, or advise us in writing of your desire to have a meeting, or both. This written notice should be delivered to this office or be postmarked on or before the 10th day¹ after receipt of this letter. If your notice indicates a desire for a meeting with a representative or the landlord, this office will be in touch with you promptly to arrange for such a meeting.

b. Within 10 days after the submission of your written comments or the meeting (whichever is later), this office will notify you in writing of the landlord's final determination.

c. If you decide not to object to this action, you must move from the premises on or before (_____) ².

4. This procedure does not in any way affect your right to contest termination of the lease in any appropriate court or other proceeding.

[FR Doc.76-11536 Filed 4-21-76;8:45 am]

¹ Under § 450.4(c), this period may be reduced to 5 days where termination is based on conduct by the tenant or his family which constitutes a substantial threat to the health or safety of any person.

² This date should be determined in accordance with § 450.4(d).

Federal register

THURSDAY, APRIL 22, 1976



PART III:

DEPARTMENT OF AGRICULTURE

Office of the Secretary

■

NATIONAL TRANSPORTATION SAFETY BOARD

Privacy Act of 1974

Notice of System of Records

OFFICE OF THE SECRETARY
Privacy Act of 1974
NOTICE OF SYSTEM OF RECORDS

Notice is hereby given of one additional records system (which was inadvertently omitted from the group of notices published on August 27, 1975, 40 FR 38897) maintained by the Foreign Agricultural Service of the Department of Agriculture at 14th and Independence Avenue, S.W., Washington, D.C. 20250, and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579). Although this act requires only that portion of each system which describes the "routine uses" of that system be published for public comment, the Department of Agriculture invites such comment on all portions of such notice.

Interested persons may submit written comments on this proposed notice to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the thirtieth day following publication of this notice. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Dated: April 13, 1976.

John A. Kriebel,
Acting Secretary.

USDA/FAS-3

System name: Visa and Passport Clearance Information Data, USDA/FAS

System location: Foreign Travel Section, Management Services Division, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

dence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: The System consists of a card index containing information required by foreign countries to grant visas.

Authority for maintenance of the system: 22 U.S.C. 213; 7 AR 557j.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintenance of this data expedites issuance of passports and visas. The information is transferred from the card to visa forms required by various foreign countries to issue entrance visas. The visa form are sent to the respective foreign country's embassy located in Washington, D.C.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file boxes in file cabinet at above address.

Retrievability: Records are filed by name of individual applying for Official and Diplomatic passports.

Safeguards: Records are kept in file cabinet in locked office in Government building with security guards.

Retention and disposal: Records are maintained indefinitely as long as valid passport is maintained.

System manager(s) and address: Head, Foreign Travel Section, MSD, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Contesting record procedures: Amended, corrected or new cards can be submitted at any time to System Manager listed above. Old card will be destroyed and new one inserted in its place.

Record source categories: Information in this system is provided by the individual applying for Official and Diplomatic passports.

[FR Doc.70-11163 Filed 4-21-76; 8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

PRIVACY ACT OF 1974

Supplemental Notice of Proposed System of Records

Pursuant to the requirements of sections (e)(4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579), the National Transportation Safety Board (NTSB) hereby gives notice of the maintenance of a system of records designated as NTSB 11—Parking Permit Records. This system of records was in existence on September 27, 1975, and should have been published in any one of the notices of proposed systems published by the NTSB on August 11, 1975 (40 FR 33813), on September 5, 1975 (40 FR 41197), and on September 25, 1975 (40 FR 44301), but, due to administrative oversight, was inadvertently omitted from those notices.

Public comment is solicited. Comments should be submitted on or before May 27, 1976, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

Fritz L. Puls

General Counsel

NTSB—11

System name: Parking Permit Records—

System location: National Transportation Safety Board

800 Independence Avenue, S.W.

Washington, D.C. 20594

Categories of individuals covered by the system: Employees who

have applied for or who have been issued parking permits.

Categories of records in the system: Application cards containing information on permit applicant and members of his car pool, if any.

Authority for maintenance of the system: Pub. L. 93-633

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine whether or not an employee is entitled to, or possesses, a parking permit. Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employers, and for security clearance. Disclosure may be made to a congressional office from the record to an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on 5" X 8" cards.

Retrievability: Indexed by name of permit holder.

Safeguards: Maintained in a locked cabinet.

Retention and disposal: Records are maintained while employee holds a parking permit. Record is destroyed when employee no longer has parking permit.

System manager(s) and address: Chief, Support Service Staff

Office of the General Manager
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to General Manager.

Record access procedures: Procedures are detailed in NTSB regulation 49 CFR Part 802.

Contesting record procedures: Same as above.

Record source categories: Information provided by employees desiring parking permits.

[FR Doc.76-11330 Filed 4-21-76;8:45 am]

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